

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-4118
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: January 5, 2011
DHS County: Wayne (82-35)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 5, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Was the Department correct in its denial of Claimant's request for State Emergency Relief (SER) for Non-energy Home Repairs due to Claimant reaching the fiscal year service CAP?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On August 30, 2010, Claimant applied for SER for Home Repairs---Non Energy.
2. On September 28, 2010, the Department Issued a State Emergency Relief Decision Notice denying Claimant's request for Home Repairs---Non Energy for the reason that Claimant had reached his fiscal year service CAP and amount requested was not available for payment of this service.
3. On October 6, 2010, Claimant requested a hearing on the denial of his SER application.

CONCLUSIONS OF LAW

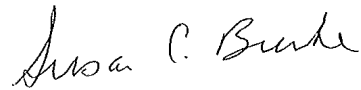
The SER program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400-7049. Department policies are found in the State Emergency Relief Manual (ERM).

SER assists with home repairs to correct unsafe conditions and restore essential services, including non-energy related home repairs. ERM 304. The amount to be authorized is not more than \$1,500.00. ERM 304.

In the present case, Claimant requested \$3,937.55 in non-energy related home repairs. The Department based its denial on asserting that Claimant had reached his fiscal year service CAP. However, the Department failed at the hearing or in documentation to show how Claimant had reached his fiscal year CAP. Therefore, the Department was incorrect in its denial of Claimant's application. It is noted that there was some testimony about Claimant receiving assistance for a furnace in a prior year, but that is not relevant to this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was incorrect in its denial of Claimant's request for non-energy related home repairs and is, therefore, REVERSED. It is ORDERED that the Department shall reprocess Claimant's SER application of August 30, 2010, and issue a new State Emergency Relief Decision Notice with respect to the non-energy related home repairs. Claimant may request another hearing if he feels aggrieved by the new Decision Notice.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 11, 2011

Date Mailed: January 18, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this

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Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SCB/pf

cc:

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