

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

IN THE MATTER OF:



Reg. No: 20118274

Issue No: 5006

Case No: 

Hearing Date:

March 3, 2011

Washtenaw County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on October 8, 2010. After due notice, a telephone hearing was held on Thursday, March 3, 2010.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

**FINDINGS OF FACT**

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

1. The Claimant applied for State Emergency Relief (SER), requesting assistance with a relocation security deposit.
2. The Claimant receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$674.
3. Another household member also receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$674.
4. The Claimant receives monthly Family Independence Program (FIP) in the gross monthly amount of \$420.

5. The Department notified the Claimant on September 25, 2010, that it had denied her SER application.
6. The Department received the Claimant's request for a hearing on October 8, 2010, protesting the denial of her SER application.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization, or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303. Qualified recipients may receive SER benefits for any combination of the following services:

- First month's rent.
- Rent arrearage.
- Mobile home lot rent for owners.
- Mobile home lot rent for renters.
- Security deposit.
- Moving expenses ERM 303.

A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed the standards found in the SER Income Need Standards for Non-Energy Services. ERM 208. The income need standard for a group of five is \$885. ERM 208. In most non-energy cases cash assets in excess of \$50 result in an asset copayment and an asset copayment cannot be reduced or waived. ERM 208.

In this case, the Claimant and another group member both receive monthly Supplemental Security Income (SSI) in the gross monthly amount of \$674. The Claimant receives monthly Family Independence Program (FIP) benefits in the gross monthly amount of \$420. The Claimant's co-payment of \$1,046 was determined by subtracting the income need standard of \$885 from her total monthly income and adding an asset co-payment of \$163.

The Claimant requested SER benefits in the amount of \$995, for a security deposit. Since the Department determined that the Claimant's co-payment of \$1,046 was greater than her need, it denied the Claimant's SER application.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for SER benefits.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 16, 2011

Date Mailed: March 17, 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 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/tg

cc:

