

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201216800  
Issue No.: 5020  
Case No.: [REDACTED]  
Hearing Date: April 9, 2012  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 9, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] Assistance Payment Worker.

**ISSUE**

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

**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 October 26, 2011, Claimant applied for SER assistance with energy or utility service.
2. On October 28, 2011, the Department sent notice of the application denial to Claimant.
3. On November 7, 2011, the Department received Claimant's hearing request, protesting the SER denial.

### 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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, on October 26, 2011, Claimant applied for SER assistance with her property taxes and her outstanding gas and electrical bills. In an October 28, 2011, SER Decision Notice, the Department denied all the requests for assistance, finding that Claimant's outstanding property taxes exceeded the Department's limit for SER property tax assistance and that Claimant's income exceeded the income limit for SER assistance for energy services. Claimant requested a hearing disputing the Department's action. At the hearing, Claimant clarified that she only wished to pursue a hearing with respect to the issue of the Department's denial of her request for SER assistance with her gas and electrical bills.

For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all SER group members in the 30-day countable income period cannot exceed the standard for SER energy/LIHEAP services for the number of group members. ERM 208. For a group size of one, Claimant's group size, the applicable income limit is \$1909. ERM 208. If Claimant's income during the 30-day countable income period exceeds this limit, the SER request must be denied. ERM 208.

The 30-day countable income period begins on the date the local office received a signed application for SER. ERM 206. Because Claimant submitted her SER application on October 26, 2011, the Department was required to consider Claimant's net countable income for the period from October 26 through November 25. In SER cases, countable income includes the net Retirement, Survivors, and Disability Insurance benefits (RSDI) and gross unemployment benefits received by the SER group members. ERM 206.

In this case, during the period from October 26 to November 25, Claimant's income consisted of two biweekly unemployment benefits of \$248 and net RSDI income of \$1518. Therefore, Claimant's income for this period was \$2014. Although the Department improperly considered Claimant's gross RSDI rather than net RSDI as required under policy, this error was harmless because Claimant's income of \$2014 remained over the income limit of \$1909. Thus, the Department acted in accordance with Department policy when it denied Claimant's application for SER assistance with her outstanding electrical and gas bills.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied  improperly denied

Claimant's SER application for assistance with energy and utility services.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department  did act properly.  did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and on the record.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 13, 2012

Date Mailed: April 13, 2012

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

2012-16800/ACE

ACE/cl

cc:

