


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

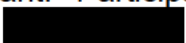

IN THE MATTER OF:



Reg. No.: 201326447
Issue No.: 5017
Case No.: 
Hearing Date: May 22, 2013
County: Wayne (76)

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 May 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included  Family Independence Manager, and  Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy-related home repairs?

FINDINGS OF FACT

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

1. On January 15, 2013, Claimant applied for SER assistance with energy-related home repairs.
2. On January 18, 2013, the Department sent Claimant a SER Decision Notice denying the application because her shelter was not affordable.
3. On January 24, 2013, 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, Mich Admin Code Rules 400.7001 through 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Additionally, in a January 18, 2013 SER Decision Notice, the Department denied Claimant's January 15, 2013 SER application for energy-related home repairs, specifically for furnace replacement, on the basis that Claimant's housing was not affordable.

Repair or replacement of a non-functioning furnace is the only allowable energy-related home repair, with a lifetime maximum benefit of \$4000. ERM 304 (August 2012), p 2. One of the conditions for receipt of home repair payments is that the ongoing cost of maintaining the home is affordable to the SER group. ERM 304, p 3. Housing is affordable if the SER group's total housing obligation does not exceed 75% of the group's total net countable income. ERM 207 (April 2011), p 1. An exception may apply if the client receives a voucher from the Homeless Assistance Recovery Program (HARP), Transitional Supportive Housing Leasing Assistance Program (TSHLAP), Transition In Place Leasing Assistance Program (TIPLAP), Rapid R-Housing Leasing Assistance, Temporary Basic Rental Assistance (TBRA) funded by MSHDA. ERM 207, pp 1-2.

In this case, in her January 15, 2013 application, Claimant informed the Department that she had no income. Although Claimant testified at the hearing that she sometimes received financial assistance from friends and family, she did not include any such income in her application. She did reveal in her application, however, that she had monthly homeowner's insurance premiums and yearly property tax expenses for her home. Because, based on the information in her application, Claimant had no income but had housing expenses, her housing was not affordable. There was no evidence presented that Claimant had one of the vouchers which would make her eligible for an exception to the housing affordability requirement. Thus, the Department acted in accordance with Department policy when it denied Claimant's SER application for assistance with energy-related expenses based on its finding that Claimant's housing was not affordable.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it denied Claimant's January 15, 2013, SER application.

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: 5/31/2013

Date Mailed: 5/31/2013

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

ACE/hw

cc:

