

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

IN THE MATTER OF:



Reg. No.: 2013-32639
Issue No.: 5020
Case No.: [REDACTED]
Hearing Date: June 6, 2013
County: Wayne (82-31)

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 June 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

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 or about February 7, 2013, Claimant applied for SER assistance with energy or utility service.
2. On February 7, 2013, the Department sent notice of the application denial to Claimant.
3. On February 15, 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, on or about February 7, 2013, Claimant applied for SER assistance with her outstanding gas and electrical bills. In a February 7, 2013, SER Decision Notice, the Department denied the application on the basis that Claimant's group's income exceeded the income limit for SER assistance for energy and utility services.

Heat and electrical services are energy services. See ERM 301 (February 1, 2013), p. 1. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all 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 (October 1, 2008), p. 1; ERM 301, p. 3. Although Claimant indicated at the hearing that her grandson lived in her home with her, she acknowledged that she had identified herself as the sole member of her household in the SER application because she believed her grandson would be leaving her household. Therefore, the Department properly considered a SER group size of 1 in determining Claimant's income eligibility. For Claimant's group size of one, the applicable income limit is \$1,397. ERM 208, p. 4. If the income exceeds the limit, the request must be denied. ERM 208, p. 1.


Net RSDI income and pension and retirement benefits are considered in the calculation of a client's income for SER eligibility purposes. ERM 206 (October 1, 2011), p. 1. Net unearned income is determined by deducting any mandatory withholding taxes, court-ordered child support, health insurance payments, and Medicare premiums that will not be reimbursed, from the gross benefits. ERM 206, p. 4.

In this case, the Department testified that Claimant's group's monthly income consisted of Claimant's monthly unearned benefits of \$1,853.53. Claimant confirmed that she received this amount in federal benefits. Although Claimant could not identify the type of federal benefits she received and was unable to verify whether she had Medicare premiums withheld from her federal benefits, she did testify that the total amount deposited into her checking account or debit account was \$1,853.53. Because Claimant received \$1,853.53 in monthly benefits, it follows that this was her net income. Because Claimant's income exceeded the SER energy/LIHEAP income limit of \$1,397 applicable to a group size of one, the Department acted in accordance with Department policy when it denied Claimant's SER application for heat and gas 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 acted in accordance with Department policy when it denied Claimant's application for assistance with energy services based on excess income.

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: June 12, 2013

Date Mailed: June 13, 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 affect 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/pf

cc:

