

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20134208
Issue No.: 5006
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 27, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Supervisor.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Emergency Relief (SER) due to excess income.

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 9/18/12, Claimant applied for SER assistance with a utility bill.
2. Claimant needed to pay the following amounts to prevent a service shut-off: \$292.94 for cooking gas, \$234.31 for electricity and \$58.63 for heat.
3. At the time of Claimant's application, Claimant was not a recipient of Food Assistance Program (FAP), Family Independence Program (FIP) or Supplemental Security Income (SSI) benefits.
4. Claimant was part of a two-person household with \$2752.66 in monthly employment income.

5. On 9/19/12, DHS denied Claimant's SER application due to Claimant's copayment exceeding the amount requested.
6. On 10/2/12, Claimant requested a hearing disputing a 9/19/12 DHS case action.

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).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization.

The present case involves an SER request for an energy bill arrearage. It was not disputed that Claimant sought a total of \$585.88 in payment. DHS denied the bill due based on allegedly excess income.

The first consideration was to determine whether Claimant was "categorically eligible" for SER energy assistance. Generally, clients that meet the categorical eligibility requirements are automatically eligible for SER assistance. Receipt of FIP, FAP or SSI benefits is one of the requirements for categorical eligibility. ERM 301 (8/2012), p. 4. It was not disputed that Claimant was not a FAP, FIP or SSI recipient at the time of SER application. Accordingly, Claimant is not categorically eligible for SER. Claimant may still be found eligible for SER, despite not being categorically eligible.

There are no income copayments for SER energy services. ERM 208 (8/2012), p. 1. With respect to income, clients are either eligible or they are not. *Id.* 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. *Id.* If the income exceeds the limit, the request must be denied.

The net income limit for energy services for a two-person household is \$2496. *Id.*, p. 4. Claimant's household's net income was conceded to be \$2752.66. Claimant's income exceeded the limit for SER eligibility for energy assistance. Accordingly, it is found that DHS properly denied Claimant's SER request for energy assistance.

Claimant also testified that he wished to raise a dispute concerning Medical Assistance (MA) benefits. Claimant's Request for Hearing made no mention of an MA benefit dispute and was not tied to any case action by DHS involving MA benefits. Accordingly,

Claimant's request to raise an MA benefit dispute was denied for failing to give any notice of the dispute.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's SER application due to excess income. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/4/2013

Date Mailed: 4/4/2013

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. (60 days for FAP cases)

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

CG/hw

cc:

