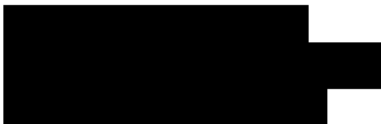


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201314024
Issue No.: 5032, 5016
Case No.: [REDACTED]
Hearing Date: May 21, 2013
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 21, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

ISSUE

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

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 September 26, 2012, Claimant applied for SER assistance with rent (\$775.00), moving expenses (\$1,550.00) and electricity (\$577.71).
2. On October 29, 2012, the Department sent notice of the application denial for non-heat electricity and rent to prevent eviction. The denial of energy services was due to excess income and the relocation denial was because Claimant's emergency had already been resolved.
3. On November 21, 2012, 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, 1993 AACS R 400.7001-400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

ERM 101 sets forth the general requirements for SER. SER applicants must meet all of the following: (1) complete the application process; (2) meet financial and non-financial requirements; (3) have an emergency which threatens health or safety and can be resolved through issuance of SER; (4) take action within their ability to help themselves (i.e., obtain potential resources and/or apply for assistance); (5) not have caused the emergency (See ERM 204, Client-Caused Emergencies); and (6) cooperate in providing information about income, assets, living arrangements, and other persons living in the home. ERM 101.

SER does not assist a group who failed to use their available money to prevent a shelter, energy or utility emergency. ERM 204.

Bridges establishes the SER countable income period and determines the SER group's net countable income based on the application date and entry of income information in the data collection screens. See ERM 208, Budget Computation, for policy on determining the group's SER financial eligibility and their required copayments. ERM 206.

According to the SER income needs standard, a group size of 4 has an income need standard of \$755 per month.

The SER program is also designed to prevent serious harm to individuals and families. ERM 101. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

Generally, residence in the state of Michigan is not required as SER serves all persons physically present in Michigan. ERM 101. In addition, SER applicants must meet the following requirements: (1) complete the application process; (2) meet financial and non-financial requirements; (3) have an emergency which threatens health or safety and can be resolved through issuance of SER; (4) take action within their ability to help themselves (for example, obtain potential resources and/or apply for assistance); (5) not have caused the emergency (See ERM 204) and (6) cooperate in providing information about income, assets, living arrangements, and other persons living in the home. ERM 101. The Department will deny SER services for applicants who fail to meet any of the above requirements. ERM 101.

As a condition of SER eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. ERM 203. "Potential resource" means an asset or income that may be available to a client if action is taken to make this available. ERM 203. The Department does not require the SER group to apply for loans, including home equity loans from financial institutions or individuals.

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ERM 203. Policy indicates that pursuing a potential resource increases the group's ability to resolve their emergency with the additional income or asset. ERM 203.

SER does not assist a group who failed to use their available money to prevent a shelter, energy or utility emergency. ERM 204. In other words, SER does not provide relief for a "client-caused emergency." ERM 204. A client-caused emergency is when an SER group fails to pay required payments for the six month period prior to the month of application. ERM 204. However, this does not apply to categorically eligible cases. (See Emergency Services in ERM 301). ERM 204.

SER applicants must meet income eligibility. ERM 206. The Department's computer system "Bridges" establishes the SER countable income period and determines the SER group's net countable income based on the application date and entry of income information in the data collection screens. ERM 206. See ERM 208, Budget Computation, for policy on determining the group's SER financial eligibility and their required copayments. ERM 206. The SER budget computation period is 30 days. This is referred to as the countable income period. ERM 206. The first day of the countable income period is the date the local office receives a signed application for SER. ERM 206.

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. ERM 208. Other persons or organizations can also contribute funds on behalf of the SER group. ERM 208. Verification that the contribution has been paid must be received before any SER payment can be made. ERM 208. For burial contributions, see ERM 306. For energy services, any additional payment made by another agency to reduce the balance on the client's total bill to zero should not reduce the SER payment. ERM 208.

If an application is made for shelter, heat, electricity or utilities, a determination of required payments must be made. ERM 208. Required payments are determined based on the group size, the group's income and the obligation to pay for the service that existed during each month of the six months prior to application; see ERM 204, ERM 301, ERM 302, ERM 303, ERM 304. ERM 208. If the client failed without good cause to make required payments, a short fall amount is determined. ERM 208. The client must pay the shortfall amount toward the cost of resolving the emergency. ERM 208. Verification that the shortfall has been paid must be received before any SER payment can be made. ERM 208.

Here, the Department contends that it denied Claimant's SER application for relocation expenses because Claimant's emergency had been resolved at the time. The Department denied Claimant's SER request for electric services due to excess income. Claimant indicated that he generally disagreed with the Department's SER decisions; he did not directly challenge the Department's assertions.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of*

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Community Health, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Absent any evidence from Claimant to dispute the Department, there is no reason for this Administrative Law Judge to reverse the Department. In addition, Claimant conceded on the record that the Department correctly determined his household income (RSDI, SSI and veteran's pension). Based on the competent, material, and substantial evidence presented during the hearing, this Administrative Law Judge finds that the Department acted properly.

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 did act properly when it denied Claimant's SER application for shelter emergency and electric services.

Accordingly, the Department's decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 24, 2013

Date Mailed: May 28, 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 mailing 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.

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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

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cc:

