

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20138164
Issue No: 5020
Case No: [REDACTED]
Hearing Date: March 20, 2013
Macomb County DHS #36

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on October 14, 2012. After due notice, a telephone hearing was held on March 20, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Macomb County branch office

ISSUE

Whether the department properly denied Claimant's application for State Emergency Relief (SER) assistance due to excess income?

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 5, 2012, Claimant applied for SER assistance, requesting assistance with electricity and housing expenses. (Hearing Summary)
2. Claimant receives earned income from his full-time employment with [REDACTED] in the amount of \$ [REDACTED] a month. (Department Exhibit 1)
3. On October 9, 2012, the department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419) advising him that his application for SER assistance in the amount of \$ [REDACTED] for heat and in the amount of \$ [REDACTED] for rent had been denied for the reason that his countable income is higher than the maximum amount allowed for the program. (Department Exhibit 2)
4. On October 15, 2012, Claimant submitted a hearing request protesting the department's denial of his application for SER assistance. (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

The State Emergency Relief (SER) program was established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (ERM).

SER helps to, among other things, prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304. Covered home ownership services include property taxes and fees. Home ownership service payments are only issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, court ordered eviction of a mobile home from land or a mobile home park, or repossession for failure to meet an installment loan payment for a mobile home. ERM 304. To verify foreclosure or forfeiture there must be a court order or a written statement from the contract holder or mortgagee that there is a payment arrearage and failure to correct the deficiency may result in foreclosure or forfeiture proceedings. Alternatively, a claimant must submit a court summons, order or judgment that will result in the SER group becoming homeless. ERM 304.

The department may not provide assistance unless the payment will resolve the emergency. ERM 208. SER group members must use their available cash assets and income that will help resolve the emergency. Cash assets in excess of \$50 are considered the asset co-payment. Available income means net income in excess of the SER need standard. This is the income co-payment. The asset and income co-payments are added together to determine the SER group's total co-payment. ERM 208. The SER income need standard, set forth in ERM 208, is as follows:

<u>SER Group Size</u>	<u>Income Need Standard</u>
1	\$445
2	\$500
3	\$625
4	\$755
5	\$885
6	\$1,015

* Groups larger than 6 persons must add \$100 for each additional person to the 'group size 6.'

In this case, Claimant requested assistance in the amount of \$ [REDACTED] to pay his rental expenses. On October 9, 2012, the department denied Claimant's request because Claimant's available income in the amount of \$ [REDACTED] (Claimant's net income of \$ [REDACTED] minus the income need standard of \$ [REDACTED] exceeded the amount needed by Claimant to resolve his housing emergency.

Claimant also requested assistance with paying his electricity bill. There is no income copayment for energy-related services. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all members of the group in the 30-day countable income period cannot exceed the monthly income need standard for SER energy/LIHEAP services for the number of members in the group. ERM 301. If the income exceeds the limit, the request must be denied. ERM 208. SER income need standards for energy/LIHEAP services are set forth in Exhibit II to ERM 208. According to Exhibit II to ERM 208, effective October 1, 2012, the monthly income limit for a group size of two is \$ [REDACTED] ERM 208.

Consequently, this Administrative Law Judge finds, based on the competent, material, and substantial evidence presented during the hearing, that the department properly denied Claimant's October 5, 2012 application for SER assistance for his rent and electricity expenses.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's October 5, 2012 application for SER assistance for his rent and electricity expenses.

Accordingly, the department's actions are **UPHELD**.

It is **SO ORDERED**.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 21, 2013

Date Mailed: March 22, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of 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 System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/cr

cc:

