

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

IN THE MATTER OF:

Reg.

No: 201355920

Issue No: 5016, 5020

Case No: [REDACTED]

Hearing Date: July 31, 2013

DHS SSPC WEST

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 June 24, 2013. After due notice, a telephone hearing was held on July 31, 2013. Claimant appeared and provided testimony and Claimant's wife, [REDACTED] also appeared and provided testimony on Claimant's behalf. The department was represented by [REDACTED] an eligibility specialist with the department's SSPC West 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 June 4, 2013, Claimant applied for SER assistance, requesting assistance with heat and electricity expenses in the amounts of \$ [REDACTED] and \$ [REDACTED] respectively.
2. Claimant receives unearned income from RSDI benefits in the amount of \$604.00 a month, and Claimant's wife receives gross earned income from her employment in the amount of \$ [REDACTED] a month.
3. On June 13, 2013, the department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419) advising him that his application for SER assistance with heat and electricity expenses had been denied for the reason that his countable income is higher than the maximum amount allowed for the program.

4. On June 24, 2013, 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. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

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).

Low-income households who meet eligibility requirements can receive assistance to help them meet their household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). ERM 301.

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.

In this case, at the July 31, 2013 hearing, the department's representative, Anne Harris, testified that Claimant's group's combined monthly net income for May 2013 was \$ [REDACTED]. This amount included Claimant's receipt of \$ [REDACTED] in RSDI benefits and Claimant's wife's gross employment earnings in the amount of \$ [REDACTED] (based on a May 10, 2013 pay stub in the amount of \$ [REDACTED] and a May 24, 2013 pay stub in the amount of \$ [REDACTED]). Both Claimant and Claimant's wife acknowledged that these amounts of unearned and earned income were accurate.

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 June 4, 2013 application for SER assistance with heat and electricity expenses due to excess income.

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 June 4, 2013 application for SER assistance with heat and electricity expenses due to excess income. Accordingly, the department's action in this regard is **UPHELD**.

It is **SO ORDERED**.

/s/
Suzanne

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

Date Signed: August 2, 2013

Date Mailed: August 2, 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/hj

cc:

