

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-19068
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: May 8, 2013
County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. 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 non-energy-related home repairs?

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 November 15, 2012, Claimant applied for SER assistance with non-energy-related home repairs. Exhibit 1.
2. On December 4, 2012, the Department sent notice of the application denial to Claimant. Exhibit 1.
3. On December 17, 2012, the Department received Claimant's hearing request, protesting the SER denial. Exhibit 1.

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 Department of Human Services State Emergency Relief Manual (ERM).

SER assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 (August 2012), p. 1. Non-energy-related repairs include all home repairs for client-owned housing except furnace repair or replacement, which includes windows. ERM 304, p. 2. Authorization for payment is only made if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. ERM 304, p. 2. The repair(s) must restore the home to a safe, livable condition. ERM 304, p. 2.

On November 15, 2012, Claimant applied for SER assistance with non-energy-related home repairs. Exhibit 1. On the application, Claimant stated that her windows needed to be replaced because they are broken and cold air seeps through them and into the home. Exhibit 1. Moreover, Claimant stated on the application that the gas bill has increased due to the cold air seeping through. Exhibit 1. The Department testified that once it received the application, it requested a quote for replacing the windows from Claimant. Claimant's AHR testified that she obtained a quote and sent it to the Department. Claimant testified that the quote only stated the cost of the repair and did not indicate any health or safety threat. The Department acknowledged that it received the quote but did not provide a copy at the hearing. Nevertheless, once the Department received the quote, the Department testified that it contacted Claimant's AHR to check the status of the home. Claimant's AHR agreed that she stated to the Department that the home was safe and that there was no threat to Claimant. Thus, on December 4, 2012, the Department sent notice of the application denial to Claimant because there was no direct threat to the health or safety of Claimant and/or the home.

Additionally, Claimant's AHR testified that Claimant is seeking assistance for replacement of the windows because (1) the windows are more than 20 years old; (2) cold air seeps through the windows into the home; (3) the locks on the windows are broken; (4) her home has been broken into twice previously; and (5) there is increase in energy cost for Claimant due to the cold air seeping through. Moreover, Claimant's AHR testified that she had three previous quotes as well stating that the windows needed to be replaced. Claimant's AHR did not provide any evidence of the previous quotes and/or services done on the windows. However, Claimant's AHR testified that they did put bars on the windows to prevent any breaking into the home.


Based on the foregoing information and evidence, the Department properly denied Claimant's application for SER assistance with non-energy-related home repairs. Claimant's AHR testified that they did put bars on the windows to protect the health and/or safety of Claimant. ERM 304, p. 2. Additionally, Claimant's AHR confirmed in her testimony that Claimant was currently safe in her home and that there was no

threat. ERM 304, p. 2. Moreover, Claimant's AHR only provided a quote for replacement of the window, but did not provide any other documentation showing a threat or safety issue to Claimant and/or her home. Thus, the Department properly denied Claimant's SER application in accordance with Department policy because Claimant did not have a direct threat to her health or safety. ERM 304, p. 2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated above and on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 15, 2013

Date Mailed: May 16, 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:
 - 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

2013-19068/EJF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

EJF/pf

cc:

