

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

IN THE MATTER OF:

██████████
██████████
██████████████████

Reg. No.: 2013-37887
Issue No.: 5016
Case No.: ██████████
Hearing Date: June 19, 2013
County: Gogebic

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on June 19, 2013, in Bessemer, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, County Director, ██████████, ES, and F██████████ FIM. ██████████ Agent of the Office of Inspector General, was also present.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s) due to excess assets?

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 March 15, 2013, Claimant applied for SER assistance with energy or utility service.
2. On March 20, 2013, the Department sent notice of the application denial to Claimant. (Exhibit 1, p. 1)
3. On March 26, 2013, 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 1999 AC, Rule

400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

ERM 205 instructs:

SER groups with only one member have a \$1750 non-cash asset limit. SER groups with two or more members have a \$3000 non-cash asset limit.

Note: SER groups composed solely of FIP, SDA, SSI, MA and Food Assistance Program (FAP) recipients have automatic eligibility on the basis of **non-cash** assets.

In the present case, the Department denied Claimant's SER request due to his countable assets being higher than allowed for the program. The Department presented its budget in Exhibit 1, p. 8 to show that Claimant failed the non-cash asset test. However, the Department did not address the issue of whether Claimant's group was composed solely of FIP, SDA, SSI, MA and FAP recipients. Therefore, it cannot be concluded that the Department was correct in denying Claimant's SER request due to his countable assets (non-cash) being higher than that allowed for the program.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department improperly denied Claimant's SER application for assistance with energy and utility services.

It is noted that on March 26, 2013, Claimant signed a request for hearing regarding Cash Assistance, Medicaid, Child Development and Care, Food Assistance, and State Emergency Relief. Claimant's hearing requests were addressed in registration numbers, 2013-37887, 2013-37888, 2013-37889, 2013-37891, and 2013-42889. In addition, in Claimant's hearing request, he struck through all check boxes for all benefits, including Child Development and Care. However, Claimant does not claim to have children under his care, as he testified that he is the only member in his benefits group. Therefore, Child Development and Care is not addressed herein.

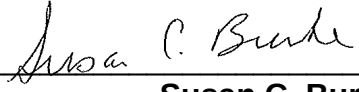
DECISION AND ORDER

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

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

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Initiate reinstatement and reprocessing of Claimant's SER application of March 15, 2013.
2. Determine whether Claimant's group is composed solely of FIP, SDA, SSI, MA and Food Assistance Program (FAP) recipients.
3. Issue a new State Emergency Relief Decision Notice.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 25, 2013

Date Mailed: June 26, 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 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

SCB/tm

cc:

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