

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-19493
Issue No(s): 5001
Case No.: [REDACTED]
Hearing Date: February 12, 2014
County: Manistee County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist, and [REDACTED] [REDACTED] Hearing Coordinator.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application for heat-deliverable fuel because the value of countable assets was higher than the program limit?

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 December 12, 2013, Claimant applied for SER for heat-propane with a need amount of \$629.38.
2. On December 13, 2013, a SER Decision Notice was issued stating the SER request for heat-deliverable fuel was denied because the value of countable assets is higher than allowed for this program.
3. On December 17, 2013, Claimant filed a request for hearing contesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual

(BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Michigan Admin Code, R 400.7001 through R 400.7049.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301.

SER groups with only one member have a \$ [REDACTED] non-cash asset limit. SER groups with two or more members have a \$ [REDACTED] non-cash asset limit. The Department is to verify and count all non-excluded assets of SER group members for all SER services with every application. ERM 205

Vehicles are considered non-cash assets. One motor vehicle used as the SER group's primary means of transportation is excluded. The ownership and value of a vehicle can be verified by: Secretary of State inquiry; title, registration or proof of insurance; blue book or NADA book wholesale value (but value for optional equipment, special equipment or low mileage is not added when determining value); Kelly Blue Book at www.kbb.com; loan statement or payment book; statement of vehicle dealer or junk dealer, as appropriate; allow the client to verify a claim that the vehicle is worth less (example: due to damage) than wholesale book value, if the vehicle is no longer listed, accept the person's statement of value. ERM 205.

In this case, Claimant applied for SER for heat-propane with a need amount of \$ [REDACTED]. The Eligibility Specialist testified that at the time the December 12, 2013 SER application was filed, Claimant owned three vehicles and the highest value vehicle was excluded. The two remaining vehicles were valued at \$ [REDACTED] using the NADA guide and low retail value. No mileage was reported on the SER application so the Department used 12,000 miles per year and the age of the vehicle. Accordingly, the SER application was denied because the value of the two countable vehicles, \$ [REDACTED] exceeded the SER program limit of \$ [REDACTED].


Claimant testified he no longer has one of the vehicles. Further, Claimant testified the values were incorrect because of vehicles that only have a junk value if he were to get any kind of money out of them, and he did not put down that there is a loan on one of the vehicles.

The Department provided sufficient evidence that the asset determination was correct based upon the limited information available at the time Claimant's December 12, 2013 SER application was submitted. Rather, the evidence indicates Claimant did not provide sufficient information regarding the condition of the vehicles nor that there is a loan on one of the vehicles when he submitted the December 12, 2013 SER application. As noted during the telephone hearing proceeding, if he has not already done so, Claimant may re-apply for SER and provide updated information.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's SER application for heat-deliverable fuel because the value of countable assets was higher than the program limit based on the available information.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 3, 2014

Date Mailed: March 3, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request

201419493/CL

P.O. Box 30639
Lansing, Michigan 48909-07322

CL/hj

cc:

