

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201430550
Issue No: 5008
Case No: [REDACTED]
Hearing Date: April 9, 2014
Jackson County DHS

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 February 21, 2014. After due notice, a telephone hearing was held on April 9, 2014 from Lansing, Michigan. Claimant appeared and provided testimony. The Department was represented by [REDACTED] [REDACTED] a family independence manager, and [REDACTED] [REDACTED] an eligibility specialist, both with the Department's Jackson County office.

ISSUE

Whether the department properly determined Claimant's eligibility for State Emergency Relief (SER) assistance?

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 February 6, 2014, Claimant applied for SER assistance with her mortgage payment in the amount of \$ [REDACTED]
2. On February 21, 2014, the Department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419), informing her that her request for SER assistance with her mortgage had been denied for the reason that her income copayment was equal to or greater than the amount needed to resolve the emergency. (Department Exhibits 1, 2, 3)
3. On February 21, 2014, Claimant submitted a hearing request protesting the denial of her application for SER assistance. (Request for Hearing)

CONCLUSIONS OF LAW

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 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because her claim for assistance is denied. MAC R 400.903(1).

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. BAM 600.

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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department policies are found in the State Emergency Relief Manual (ERM). The program assists with non-energy services, such as home ownership, relocation, home repair, utility, and burial services, as well as with energy services, such as heat, electricity, water, sewer, and cooking gas services. ERM 100.

SER helps to, among other things, assist individuals and families to 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

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

In this case, on February 6, 2014, Claimant requested SER assistance in the amount of \$ [REDACTED]. On February 21, 2014 (well after the 10-day standard of promptness for the Department's processing of such applications), the Department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419), informing her that her request for SER assistance with her mortgage had been denied for the reason that her income/asset copayment was equal to or greater than the amount needed to resolve the emergency.

At the time of her SER request, Claimant's household's net countable income was \$ [REDACTED] and her income need standard was \$ [REDACTED]. The difference (\$ [REDACTED] - \$ [REDACTED]) resulted in a required final copayment by Claimant of \$ [REDACTED] which was greater than the \$ [REDACTED] requested by Claimant to resolve her mortgage payment. Accordingly, the Department correctly determined that Claimant was not eligible for SER assistance with her mortgage.

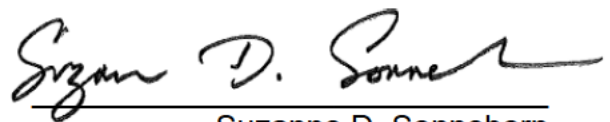
At the April 9, 2014 hearing, Claimant acknowledged that her husband's monthly earnings totaling approximately \$ [REDACTED].

Consequently, the Administrative Law Judge finds that based on the competent, material, and substantial evidence presented during the April 9, 2014 hearing, the Department acted in accordance with policy in denying Claimant's February 6, 2014 SER application for assistance with her mortgage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in denying Claimant's February 6, 2014 SER application for assistance with her mortgage. The Department's SER eligibility decision is therefore **UPHELD**.

It is **SO ORDERED**.



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

Date Signed: April 9, 2014

Date Mailed: April 10, 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

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

SDS/hj

cc:

