

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-34601
Issue No(s): 5001
Case No.: ██████████
Hearing Date: May 27, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: JACQUELYN A. MCCLINTON

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 May 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Assistance Payment Supervisor, and ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER) benefits because she had reached the maximum allowable amount?

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 March 27, 2014, Claimant applied for SER benefits to complete non-energy home repairs.
2. Previously, Claimant received \$750.00 on July 21, 2011 and \$565.00 on June 12, 2012 in SER benefits to complete non-energy home repairs.
3. On April 2, 2014, the Department sent Claimant an SER Decision Notice notifying her that her request for SER benefits had been denied because she had reached the maximum allowable amount for benefits.

4. On April 10, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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 Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, the lifetime maximum for non-energy related home repairs is \$1,500.00 per SER group. ERM 304 (October 2013), p. 3. Further, Non-energy-related repairs include all home repairs for client-owned housing except furnace repair or replacement. Examples include:

- Repairs to the basic structure.
- Hot water heater.
- Septic/waste disposal system.
- Doors/windows.
- Extermination services.
- Electrical.
- Plumbing.
- Roofs.
- Wells/water supply system.
- Wheelchair ramps. *Id.*

In this case, Claimant applied for SER benefits on March 27, 2014 relating to an issue she was having with her plumbing and sewage. The Department testified that it sent Claimant an SER Decision Notice denying her request for benefits because she used the maximum amount of \$1,500.00 for non-energy home repairs. In support of its decision, the Department testified that Claimant received \$750.00 on July 21, 2011 and \$565.00 on June 12, 2012 in SER benefits to complete non-energy home repairs. The amounts received in 2011 and 2012 total \$1,315.00. Although the Department maintained that Claimant had used the maximum allowable amount of \$1,500.00, it was not able to provide any other dates in which Claimant received the remaining \$185.00 in non-energy related SER benefits. As such, the reason for the denial of benefits was not supported by the evidence presented at the hearing.

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 did not act in accordance with Department policy when it denied Claimant's SER application for reaching the maximum allowable amount.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Claimant's March 27, 2014 SER application; and
2. Notify Claimant in writing of its decision.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 18, 2014

Date Mailed: June 18, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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.

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The party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]