

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

IN THE MATTER OF:



Reg. No.: 14-003624
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: AUGUST 13, 2014
County: WAYNE-DISTRICT 49

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly process Claimant's State Emergency Relief (SER) application for assistance with home repairs?

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 19, 2014, Claimant applied for SER assistance with toilet and floor repairs in his home and requested emergency services (ES) funds.
2. Claimant's application included two estimates for services for the repairs, the lowest for \$471.13.
3. Claimant's SER group size is one.
4. Claimant's sole income is his monthly Supplemental Security Insurance (SSI) benefit of \$721 and his quarterly State SSI Payment (SSP) of \$42.

5. On March 21, 2014, the Department sent Claimant a SER Decision Notice notifying him that, upon his verification of payment of a \$276 income copay, the Department would pay the remaining \$195.13 balance towards his home repair.
6. On May 23, 2014, Claimant filed a hearing request disputing the Department's actions concerning his request for assistance for tree trimming and toilet and floor repair.

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, in his May 23, 2014 hearing request, Claimant disputed the Department's actions concerning his request for assistance with tree-trimming services and with toilet and floor repairs. The Department only responded to the toilet and floor repair issue and testified that tree trimming was not a Department-covered service and that Claimant had not filed an application for tree-trimming services. Claimant acknowledged that he had had not filed an application for assistance with tree-trimming services in 2014. Accordingly, the only issue properly presented for hearing was the issue of the toilet and floor repair. See BAM 600 (July 2014), p. 6; ERM 404 (March 2013), p. 1; Mich Admin Code, R. 400.903(1) and 400.904(4).

In this case, Claimant applied on March 19, 2014 for SER assistance with toilet and flooring repair. SER assistance is available for home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2013), p. 1. Non-energy-related repairs are available for repairs to the basic structure and plumbing. ERM 304, p. 3. Therefore, Claimant's requested assistance was for non-energy-related home repairs.

In determining a client's income eligibility for non-energy SER services, the Department must consider the net income the client receives during the SER 30-day countable income period which begins on the date the client's local office receives a signed SER application. ERM 208 (October 2013), p. 1. ERM 206 (October 2013), pp. 1-2, 4-5. In this case, the SER countable period for Claimant's application ran from March 19, 2014, the date Claimant submitted his SER application, to April 17, 2014, the date 30 days later.

In determining a client's SER net countable income, the Department must consider the net SSI income and any actual, non-prorated SSP benefits Claimant received, or was expected to receive, between March 19, 2014 and April 17, 2014. ERM 206, pp. 1-2, 4-5. Claimant's receives monthly SSI income of \$721. The Department testified that Claimant also received his quarterly \$42 SSP payment during the SER countable period. However, a review of the State SSI Payment Payroll Deadline Schedule, RFT 106 (January 2014), p. 1, does not support the Department's position. Therefore, the only income Claimant received during the countable period was the \$721 SSI.

Single-member SER applicants are eligible for non-energy SER services with respect to income if the total monthly net income that is received or expected to be received by the applicant in the 30-day countable income period does not exceed the applicable basic monthly income need standard of \$445. ERM 208, p. 1. If the applicant has income in excess of \$445, he will have to pay an income copayment equal to the difference between \$445 and his income. ERM 208, p. 1. This copayment must be deducted from the cost of resolving the emergency and paid by the client. ERM 208, p. 1.

In this case, Claimant's \$721 net monthly income during the countable period exceeded \$445. Therefore, his SER eligibility was subject to an income copayment of \$276, the difference between his net monthly income of \$721 and \$445. Because a copayment is deducted from the cost of resolving the emergency, the Department's obligation would be \$195.13, which is the difference between the \$471.13 necessary to resolve the emergency and Claimant's \$276 income copayment. ERM 208, p. 2. Therefore, the Department acted in accordance with Department policy when it issued the March 21, 2014 SER Decision Notice notifying Claimant that it would pay \$195.13 upon his verification of paying the \$276 income copayment by April 17, 2014. Because Claimant admitted that he did not have funds to pay his income copayment, the Department acted in accordance with Department policy when it did not pay its \$195.13 payment. See ERM 208, p. 3.

There was also evidence presented in this case that Claimant submitted a Request for Emergency Services Fund with his SER application. Emergency Services (ES) funds are discretionary funds allocated to each local office to provide assistance when SER does not cover the requested service or the amount needed exceeds the SER payment limits. ERM 209 (March 2013), p. 1. ES covered services include emergency home repair necessary to prevent removal of a family from their home for health and safety reasons provided that all other eligibility requirements are satisfied. ERM 209, pp. 1-2.

In this case, the Department acknowledged that it did not process Claimant's request for ES funds. However, there was no evidence presented that the home repair at issue was necessary to prevent the Claimant's removal from the home for health and safety reasons. Therefore, the Department's failure to process the request for ES funds was harmless in this case.

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 processed Claimant's SER application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/18/2014**

Date Mailed: **8/18/2014**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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.

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

cc:

