

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

IN THE MATTER OF:

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████████████████████
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Reg. No.: 14-007968
Issue No.: 5001
Case No.: ██████████
Hearing Date: September 15, 2014
County: Oakland (03-Walled Lake)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on September 15, 2014, from Walled Lake, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER)?

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 July 1, 2014, Claimant applied for SER assistance for furnace repair and roof repair.
2. On July 1, 2014, the Department denied Claimant's SER request based upon the application being submitted during a "non-crisis" season.
3. On July 14, 2014, Claimant filed a hearing request.

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 Mich Admin Code, R 400.7001 through R 400.7049.

In the instant case, Claimant applied for SER assistance with furnace repair and roof repair on July 1, 2014. The Department issued a notice of case denial based upon the following:

- Energy Related Home Repair (furnace) fails to meet eligibility requirements of being requested during the crisis season. (November 1-May 31)
- Non Energy Home Repair (roof) group not eligible because home is not the group's usual, permanent residence.

Claimant acknowledged she requested SER on July 1, 2014. The Department cited ERM 301 and ERM 304 as the basis for denying Claimant's furnace repair request.

ERM 301 (October 2013), p. 1, indicates low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). For energy-related emergencies, the SER crisis season runs from November 1 through May 31. Requests for those services will be denied June 1 through October 31.

ERM 304 (October 2013), p. 2, indicates energy-related home repairs are available for repair or replacement of a non-functioning furnace as the only allowable energy-related home repair. The lifetime maximum for energy-related home repairs is \$4,000. All energy-related repairs approved since 1/1/1978 count toward this maximum, including previously authorized repairs covered as energy-related home repairs.

After reviewing the policy and testimony provided, this Administrative Law Judge finds the Department properly denied Claimant's request for SER benefits for furnace repair based upon the request being filed outside the "crisis season."

Claimant's request for SER benefits to assist her with roof repair was denied according to the notice based upon the belief that the residence for which the roof repair had been requested was not Claimant's permanent residence. Claimant testified that the residence is her home where she does, in fact, live. The Department records indicate the address in question is Claimant's home. The Department was unable to present any evidence that would demonstrate that the address of the residence for which the roof repair was requested was not, in fact, Claimant's permanent residence.

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 request for SER roof repair.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to denial of SER benefits for Claimant's furnace repair and REVERSED IN PART with respect to Claimant's request for SER assistance with roof repair.

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. Reinstate Claimant's request for SER assistance with her roof repair;
2. Process the SER request for roof repair in accordance with policy.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/23/2014**

Date Mailed: **9/23/2014**

JWO / pf

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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]