

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

IN THE MATTER OF:

██████████
████████████████████
████████████████

Reg. No.: 14-011269
Issue No.: 5001
Case No.: ██████████
Hearing Date: November 19, 2014
County: WAYNE (17)

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 November 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's Mother/Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Worker, and ██████████, Assistance Payment Supervisor.

ISSUE

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

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 August 4, 2014, Claimant submitted an application for SER benefits in an effort to receive assistance with his water payment.
2. On August 13, 2014, the Department sent Claimant an SER Decision notice notifying that his application had been denied because his income/asset copayment was equal to or greater than the amount needed to resolve the emergency.
3. On August 22, 2014, Claimant's AHR 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.

On August 4, 2014, Claimant applied for SER benefits to assist with the payment of his water bill. On August 13, 2014, the Department sent Claimant an SER Decision Notice notifying that his application had been denied because his income/asset copayment was equal to or greater than the amount needed to resolve the emergency. Claimant had requested \$219.65 and his copayment would have been \$452.00.

Claimant's AHR testified that she had no dispute with the August 13, 2014 denial of SER benefits. Claimant's AHR testified that her dispute centered on a memorandum released by the Department in June 2014. The memorandum directed workers to inform clients who were denied SER benefits relating to assistance with water payments to apply for emergency funds.

Under Department policy, Emergency Services (ES) funds are discretionary funds allocated to each local office to provide assistance when

- SER does not cover the requested service.
- The amount needed exceeds the SER payment limits.

ERM 209 (May 2013), p. 1

Further, non-energy utilities (water, sewer and cooking gas); payment may be issued if the client is in arrears on non-energy related utility payments, and at risk of shut off. ERM 209, p. 2. [Emphasis added]. Claimant's AHR testified that she became aware of her son's ability to request ES funds prior to the filing of the Request for Hearing. Claimant's AHR further stated that the Department informed her that the allocation of ES funds was discretionary. Although Claimant's AHR found this to be unfair, the information communicated to Claimant's AHR was based on the Department policy cited above and was therefore correct.

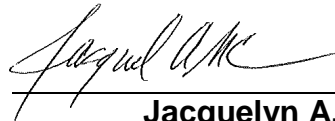
Claimant's AHR testified that she attempted to apply for ES funds on behalf of her son; however, she was prevented from doing so by the Department. Claimant's AHR confirmed that she made no additional attempts to apply for ES funds on behalf of her son. While Claimant's AHR may have cause to file a complaint regarding the Department's actions, the undersigned only has jurisdiction over negative actions and

as such has no authority regarding this issue. It is found that because the allocation of ES funds is discretionary, the Department did not violate policy by failing to initially offer Claimant the ability to apply for ES funds.

Additionally, since Claimant does not have a dispute regarding the August 13, 2014 SER Decision Notice, 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 policy when it denied Claimant's August 4, 2014 application for SER benefits.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/2/2014**

Date Mailed: **12/2/2014**

JAM / cl

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 48909-8139

CC:

Service	Percentage
Online banking	100%
Mobile banking	95%
ATM	90%
Branch	85%
Phone	80%
Other	75%