

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-003613
Issue No.: 4001; 5001
Case No.: [REDACTED]
Hearing Date: July 2, 2014
County: Berrien

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

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 July 2, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED] and [REDACTED].

ISSUES

Did the Department properly deny Claimant's SER application?

Did the Department properly deny Claimant's SDA application?

Does the ALJ have jurisdiction regarding the FAP denial?

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 May 15, 2014, Claimant applied for FAP, SDA, and SER.
2. Claimant receives \$ [REDACTED] RSDI and her spouse received \$ [REDACTED] per month.
3. The SER application was for electric, phone and mortgage.
4. Claimant resolved the electric issue before the decision was issued.
5. Claimant did not have any foreclosure notice before the Department denied SER.

6. On May 19, 2014, Claimant was sent a Notice of Case Action (NCA) denying cash assistance due to excess income.
7. On May 19, 2014, the Department sent Claimant an NCA and denied SDA due to excess income.
8. On May 27, 2014, Claimant requested a hearing.
9. On June 5, 2014, the Department issued decisions regarding FAP.

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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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.

Additionally, the Department did not err in denying SER. Claimant had resolved the electric disconnect before the Department issued its decision, so SDA could be applied for electric. ERM 302, p 4. Although Claimant alleged that after the denial, she received another shutoff notice, the Department properly denied the application based on information at the time. If circumstances have changed, Claimant may wish to reapply. Claimant's phone service is not eligible SER service. ERM 302 p 1. Claimant's mortgage is also not considered an emergency because she had no foreclosure notice. ERM 209, p 2.

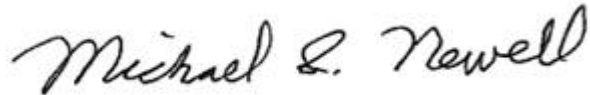
The Department properly denied SDA. Claimant's income exceeds that payment standard. RFT 225.

The ALJ lacks jurisdiction concerning the FAP denial because the decision was made after Claimant requested 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 acted in accordance with Department policy when it denied SER and SDA.

DECISION AND ORDER

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



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/14/2014**

Date Mailed: **7/14/2014**

MSN/las

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:

