

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

IN THE MATTER OF:

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

Reg. No.: 14-005519
Issue No.: 5001
Case No.: ██████████
Hearing Date: September 24, 2014
County: Wayne (49-Gr River/Warren)

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 September 24, 2014, from Detroit, 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 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 May 29, 2014, Claimant applied for SER assistance with gas and electric.
2. Claimant is the sole member of her household.
3. Claimant receives gross monthly Retirement Survivors and Disability Insurance (RSDI) income of \$1,751, which is reduced by \$104.90 for payment of her Part B Medicare premium.
4. On May 21, 2014, the Department sent Claimant a SER Decision Notice denying the SER application on the basis that the group's countable income exceeded the limit for program benefits.

5. On June 2, 2014, Claimant filed a request for hearing disputing the Department's denial of her SER application.

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.

In a June 5, 2014, SER Decision Notice, the Department denied Claimant's SER application for assistance with heat and electric payments because her countable income exceeded the income limit for the program.

Heat and electric services are defined as energy services under Department policy. ERM 301 (October 2013), p. 1. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all SER group members in the 30-day countable income period beginning on the date the signed SER application is submitted cannot exceed the standard for SER energy/LIHEAP services for the number of group members. ERM 208 (October 2013), p. 1; ERM 301, pp. 3-4.

The evidence at the hearing established that Claimant was the sole member of her household. Therefore, her group size for SER purposes is one. See ERM 201 (March 2013), p. 1. For a SER group size of one, the applicable SER income limit is \$1,436. ERM 208, p. 6; ERM 100 (October 2013), p. 4. If Claimant's income during the 30-day countable income period exceeds this limit, the SER request must be denied. ERM 208, p. 1; ERM 206 (October 2013), p. 1.

In calculating a client's income eligibility, the Department must consider the client's net income. For unearned income, net income is determined by reducing the gross amount received by mandatory withholding taxes; court-ordered child support paid, including arrears; payments for health insurance; and Medicare premiums that will not be reimbursed. ERM 206 (October 2013), pp. 4-5.

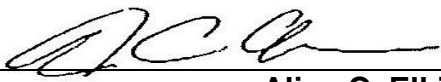
In this case, Claimant's sole income was her monthly RSDI income, which was in the gross amount of \$1,751.90. Claimant's SOLQ showed that the Social Security Administration withheld \$104.90 from Claimant's RSDI income to pay for her Part B Medicare premium. Based on this, Claimant's net income is \$1,647, the difference between her gross income and her Medicare Part B premium. Because Claimant's

\$1,647 net income exceeds the applicable \$1,436 SER income limit, Claimant is not income eligible for SER energy services.

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 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: **9/25/2014**

Date Mailed: **9/25/2014**

ACE / 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]