

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-017473
Issue No.: 5001
Case No.: ██████████
Hearing Date: March 30, 2015
County: WAYNE-DISTRICT 17
(GREENFIELD/JOY)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, an in person hearing was held on March 30, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER) Application for plumbing repairs?

Did the Department process the Claimant's SER application for a new furnace and hot water heater?

Did the Department properly withhold its share payment of a water bill arrearage due to the Claimant not making her copayment?

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 November 14, 2014, the Department issued a State Emergency Relief Decision that denied an application for failure of Claimant to make a co-payment for water bills in the amount of \$632.51 with co-pay for the Claimant to pay of \$457.51. The Claimant testified at the hearing that she had taken care of the water bill on her

own and that she did not make the co-payment by the December 6, 2014 due date. There was no issue remaining to be decided at the time of the hearing. Exhibit 1.

2. The Claimant applied for SER assistance for a new furnace and hot water heater which the Department approved on February 15, 2015 in the amount of \$3993. There is no issue that remains to be determined regarding the Department's actions as the application was approved. Exhibit 4.
3. The Claimant filed SER applications on November 17, 2014 and December 11, 2014 seeking repairs of plumbing but never submitted any estimates for the cost of repair. Exhibit 2 and Exhibit 3.
4. The Claimant requested a hearing on December 5, 2014 requesting the Department to process approval of her SER application for a new furnace and hot water tank and payment assistance with her water bill. The Claimant also sought a hearing regarding the Department's denial of her application for plumbing repair.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Furnace Repair

In this case, the Claimant requested a hearing regarding the Department's failure to approve SER for replacement of her furnace and assistance with payment of a water bill. At the hearing it was determined that the Department had approved the furnace and hot water heater and provided its payment to Claimant, and thus no issue remains to be decided for that issue.

Water Bill

The Claimant also requested SER assistance for her water bill. The Claimant did not dispute the co-pay amount determined by the Department. The total water bill was \$632.51, requiring a co-payment of \$457.51 to be paid by the Claimant. As regards the water bill, the Department did not receive proof from the Claimant that she made the co-payment amount and therefore the Department was not obligated to pay its share of the water bill. Department policy provides in ERM 302:

Before authorizing the department's portion of the cost of services, verify that the income and asset co-payment, shortfall, and contribution have been paid by the client or will be paid by another agency. Approve payment up to the fiscal year cap if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days. ERM 302 (October 1, 2013) p. 3.

Plumbing Repair

Lastly, the Department denied the Claimant's request for plumbing repairs due to the Claimant's failure to provide the Department estimates for the repair. The Claimant conceded at the hearing that she did not provide the estimate. Exhibit 4. Department policy requires the following:

Obtain at least one estimate of the repair cost. More may be requested, depending on case circumstances. Approve the most cost-effective repair. SER does not pay for estimates.

Licensed Contractors

Approve electrical, plumbing and furnace repairs or replacements only if the contractor holds a valid license issued by the Bureau of Commercial Services at the Department of Energy, Labor and Economic Growth. Verification of a license or registration may be obtained at the following Web site:

<http://www7.dleg.state.mi.us/bcclicense/>.

Other building repairs costing over \$600 also require a licensed contractor. Septic system and water well installation require only a local permit and inspection by the Department of Public Health.

ERM 304, (October 1, 2013), p. 5

Thus based upon the Policy requirements of ERM 304, the Department had no obligation to provide plumbing assistance as no estimate was provided by Claimant and thus the Department properly denied the application.

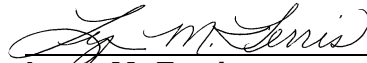
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's SER application for plumbing repairs and water bill assistance as the Claimant did not provide estimates for plumbing repairs and did not pay the water bill co-pay amount.

As regards the Claimant's application for furnace and hot water heater replacement there is nothing to be decided as the Department approved the application and the replacements have been completed.

DECISION AND ORDER

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

The Claimant's request for hearing regarding furnace replacement and water bill assistance are **DISMISSED**.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/28/2015**

Date Mailed: **4/28/2015**

LMF / 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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]