

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-019108  
Issue No.: 5001  
Case No.: [REDACTED]  
Hearing Date: February 10, 2015  
County: Berrien

**ADMINISTRATIVE LAW JUDGE:** Vicki Armstrong

**DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on February 10, 2015, from Benton Harbor, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED]

**ISSUE**

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with utility/energy services?

**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 December 15, 2014, Claimant applied for SER assistance with utility/energy services.
2. On December 22, 2014, the Department sent Claimant the SER Decision Notice.
3. On December 29, 2014, Claimant filed a hearing request, protesting the SER decision.

**CONCLUSIONS OF LAW**

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. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Bridges establishes the SER countable income period and determines the SER group's net countable income based on the application date and entry of income information in the data collection screens. ERM 206, p 1 (10/1/2013). The SER budget computation period is 30 days. This is referred to as the countable income period. The first day of the countable income period is the date the local office receives a signed application for SER.

The Department shall verify and budget all nonexcluded gross income the SER group expects to receive during the countable income period. ERM 206, p 1 (10/1/2013).

### **Unearned Income Examples**

- FIP and SDA.
- Social Security benefits (RSDI/SSI) use the net amount received.

**Note:** Do not count reimbursement of Medicare premiums.

- SSI State Supplemental payments. Refer to Reference Schedules Manual (RFS) Item 106, State SSI Payment Payroll Deadline Schedule. ERM 206, p 1 (10/1/2013).

**Note:** Budget the actual amount if it is expected to be received in the countable income period. (For example, do not budget \$14 per month as a prorated amount.)

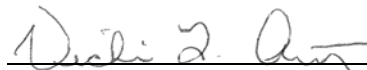
- Alimony, child support and child support participation payments.
- VA benefits, except clothing allowance or the court ordered amount for aid and attendance.
- Lump sum payments of accumulated monthly benefits.
- Payments from sick and accident insurance plans.
- Pensions and retirement benefits.
- Unemployment benefits, railroad unemployment benefits, and other governmental unemployment benefits.
- Worker's compensation.
- Adoption subsidy payments. ERM 206, p 2 (10/1/2013).

In this case, the Department budgeted Child Support Income of \$ [REDACTED] and RSDI income of \$ [REDACTED] for a total countable income of \$ [REDACTED]. According to Departmental policy, a household of 2 is allowed \$ [REDACTED] ERM 208, p 6, (10/1/2014). However, Claimant exceeded that baseline with a total countable income of \$ [REDACTED]. Claimant does not contest the Department's calculations.

Therefore, 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 issued its SER Decision Notice denying Claimant's SER application due to excess income.

**DECISION AND ORDER**

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



**Vicki Armstrong**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **3/2/2015**

Date Mailed: **3/2/2015**

VLA/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 48909-8139

cc:

