

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015747
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: February 05, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on February 05, 2015, from Lansing , Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor and acting as Hearing Facilitator.

ISSUE

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

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 October 21, 2014, the Claimant submitted a State Emergency Relief (SER) application requesting assistance to prevent eviction.
2. The Claimant receives monthly earned income from employment in the gross monthly amount of \$ [REDACTED]
3. The Claimant's total rent obligation for the previous six months is \$ [REDACTED]
4. The Claimant paid a total of \$ [REDACTED] towards her rent during the previous six months.
5. On October 21, 2014, the Department denied the Claimant's State Emergency Relief (SER) application.
6. On November 12, 2014, the Department revised its determination of the Claimant's State Emergency Relief (SER) eligibility, but still denied the application.

7. On October 29, 2014, the Department received the Claimant's request for a hearing protesting the denial of her State Emergency Relief (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.

State Emergency Relief (SER) group members must use their available income and cash assets that will help resolve the emergency and the Department will not authorize a SER payment unless it will resolve the emergency. A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed the SER Income Need Standards for Non-Energy Services. Department of Human Services Emergency Relief Manual (ERM) 208 (October 1, 2014), p 1.

If an application is made for shelter, heat, electricity or utilities, a determination of required payments must be made. If the client failed without good cause to make required payments, a short fall amount is determined. The client must pay the shortfall amount toward the cost of resolving the emergency. Department of Human Services Emergency Relief Manual (ERM) 206 (October 1, 2014), p 4.

The Claimant applied for State Emergency Relief (SER) benefits as a group of one. The Claimant receives monthly earned income from employment in the gross monthly amount of \$ [REDACTED]. The Claimant does not receive any other countable income. The Claimant's total gross income was reduced by 25% as directed by ERM 206 to determine a net income of \$ [REDACTED]. The Department determined the Claimant's income co-payment of \$ [REDACTED] by subtracting the \$ [REDACTED] standard deduction listed in ERM 206 from her net income.

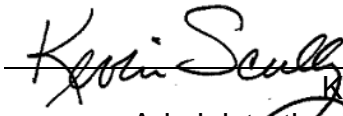
The Department determined the Claimant's rent shortfall obligation of \$ [REDACTED] by subtracting the \$ [REDACTED] she paid towards her rent in the past six months from her total rent obligation of \$ [REDACTED] during that same period.

The Claimant requested \$ [REDACTED] on her State Emergency Relief (SER) to avoid eviction. The sum of the Claimant's income co-payment and her rent shortfall obligation (\$ [REDACTED]) exceeds the amount requested by the Claimant to avoid eviction. Therefore, the Department denied the Claimant's State Emergency Relief (SER) application as directed by ERM 208.

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 State Emergency Relief (SER) application.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **2/10/2015**

Date Mailed: **2/10/2015**

KS/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:

