

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-004130
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: April 30, 2015
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 30, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Health and Human Services (DHHS) included [REDACTED], hearing facilitator.

ISSUE

The issue is whether DHHS properly denied Claimant's State Emergency Relief (SER) application for 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 [REDACTED], Claimant applied for SER seeking assistance with payment of an energy bill.
2. As of [REDACTED], Claimant had an unearned income of \$1861/month and was the only member of her household.
3. On [REDACTED], DHHS denied Claimant's SER application due to excess income.
4. On [REDACTED], Claimant requested a hearing to dispute the SER denial.

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 DHHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049. DHHS policies are contained in the Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing to dispute a denial of SER for energy services. The DHHS Hearing Summary contended that Claimant's application was properly denied due to excess income.

There are no income copayments for SER energy services. ERM 208 (10/2014), p. 1. With respect to income, clients are either eligible or they are not. *Id.* For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all group members in the 30 day countable income period, cannot exceed the standard for SER energy/LIHEAP services for the number of group members. *Id.* If the income exceeds the limit, the request must be denied; see Exhibit II, SER Income Need Standards for Energy Services. *Id.*

Claimant testified that she lived alone. Claimant suspected that DHHS improperly factored her daughter's income into the SER determination. Claimant contended that DHHS should only factor her own income into the SER determination. For purposes of this decision, Claimant's contention will be accepted.

Claimant testimony conceded that her unearned income was \$1861/month. The income limit for SER energy services for a group size of one person is \$1458/month. *Id.*, p. 6.

Claimant's monthly income exceeds the income limit for SER energy services. Accordingly, it is found that DHHS properly denied Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHHS properly denied Claimant's SER application dated [REDACTED], [REDACTED] for energy services due to excess income. The actions taken by DHHS are **AFFIRMED**.



Christian Gardocki

Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/30/2015**

Date Mailed: **4/30/2015**

CG / hw

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:

