

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

IN THE MATTER OF:



Reg. No.: 15-007367
Issue No.: 5001
Case No.:
Hearing Date: June 11, 2015
County: Wayne (15)

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 June 11, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included , specialist.

ISSUE

The issue is whether Claimant is entitled to State Emergency Relief (SER) for assistance with a new bed.

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 an unspecified date, Claimant applied for SER seeking assistance with an energy bill and a new bed.
2. On an unspecified date, MDHHS approved Claimant's SER application for energy, subject to Claimant making a copayment.
3. MDHHS did not evaluate Claimant's SER request for a new bed.
4. On , Claimant requested a hearing to dispute her obligation of a copayment for energy assistance and the failure by MDHHS to evaluate her request for a new bed.

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

Claimant requested a hearing, in part, to dispute a partial SER approval for an energy bill. Claimant testified that this issue was resolved and that she no longer needed a hearing for this issue. Claimant's hearing request will be dismissed concerning energy bill assistance.

Claimant also requested a hearing to dispute a failure by MDHHS to assist her with buying a new bed. Claimant testified that her current bed is infested with bedbugs and that she is in need of a new mattress, box spring, and bed frame. Claimant contended that the SER program could have assisted her with a new bed purchase. MDHHS responded that there is no basis for clients to receive a bed through SER policy.

The types of assistance available through SER are summarized in reference charts. ERM 100 (2/2015), pp. 1-2. SER is available for the following: energy programs, relocation services, home repairs, non-energy home repairs, utility services, burial services, and migrant hospitalization (see *Id.*, pp. 1-2). It is found that SER does not allow purchases for bed. Accordingly, it is found that MDHHS properly did not evaluate Claimant for SER assistance with a bed purchase.

MDHHS could assist Claimant with a new mattress by using emergency services (ES funds). ES funds are discretionary funds allocated to each local office to provide assistance when SER does not cover the requested service or the amount needed exceeds the SER payment limits. ERM 209 (3/2013), p. 1. ES funds can be used for limited-cost household goods; beds are specifically noted as such a household good (see *Id.*, p. 2). Because ES funds are discretionary, Claimant is not entitled to any administrative remedy for not being considered or approved for the funding.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant withdrew her dispute concerning SER for energy bill assistance. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not evaluate Claimant's SER request for a bed. It is further found that Claimant is not entitled to an administrative remedy concerning MDHHS use of ES funds.

The actions taken by MDHHS are **AFFIRMED**.



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

Date Signed: **6/18/2015**

Date Mailed: **6/18/2015**

CG / 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:

