

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

IN THE MATTER OF:

██████████
██████████
██

Reg. No.: 15-005678
Issue No.: 5001
Case No.: ██████████
Hearing Date: May 14, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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, a telephone hearing was held on May 14, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with home repairs?

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 or around April 7, 2015, Claimant submitted an application for SER assistance with home repairs in the amount of \$2200.
2. On April 7, 2015, the Department sent Claimant an Application Notice informing him that his request for SER assistance was denied because the service he requested was not covered under SER policy. (Exhibit A)
3. On April 10, 2015, Claimant submitted a hearing request disputing the Department's actions.

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.

SER assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2013), p. 1. Non-energy related repairs include all home repairs for client owned housing except furnace repair or replacement. ERM 304, p.3. Authorization for payment is only made if the repairs are essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repairs must restore the home to a safe, livable condition. ERM 304, p. 3. In addition, among other requirements, the home must be a member of the SER group's permanent usual residence. ERM 304, pp. 4-5.

In this case, Claimant submitted an application for SER assistance with home repairs that was denied by the Department. The Department testified that Claimant's application was denied on the basis that he does not live in the home for which he is seeking assistance to repair. The Department testified and Claimant confirmed that he had been living with his sister in her home for a few years. Claimant stated that he owns the home for which the repairs were requested and that he is low income so he would like to rent the home in order to be able to afford to make the monthly mortgage payment. Claimant provided some documents from the City of Dearborn Heights indicating which repairs were necessary prior to Claimant being granted a Certificate of Occupancy and able to rent the home to a tenant. (Exhibit 2). Furthermore, Claimant testified that since his application was submitted, he borrowed \$2000 from a friend to make the repairs and that he now needed the assistance to pay his friend. Claimant confirmed that the repairs he requested assistance with had been made, which thereby resolves any emergency.

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 because the home was not Claimant's permanent usual residence and because the repairs had been made to the home thereby resolving Claimant's emergency, the Department acted in accordance with Department policy when it denied Claimant's SER application.

DECISION AND ORDER

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



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

Date Signed: **5/22/2015**

Date Mailed: **5/22/2015**

ZB / tlf

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]
[REDACTED]
[REDACTED]
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