

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

**IN THE MATTER OF:**

[REDACTED]

MAHS Reg. No.: 15-006199  
Issue No.: 5001  
Agency Case No.: [REDACTED]  
Hearing Date: June 09, 2015  
County: Genesee (2) Mc Cree

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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, an in-person hearing was held on June 9, 2015, from Flint, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly determine Claimant's eligibility for State Emergency Relief (SER)?

**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 March 26, 2015, Claimant applied for SER for \$ [REDACTED] for home repairs for a new hot water heater.
2. The Department determined the Claimant would have asset and income co-payments totaling \$ [REDACTED].
3. On March 26, 2015, a SER Decision Notice was issued stating SER was denied because the income/asset co-payment is equal to or greater than the amount needed to resolve the emergency.
4. On April 13, 2015, Claimant filed a hearing request contesting the Department's action.

## 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. This includes non-energy related home repairs, such as hot water heaters. ERM 304, (October 1, 2013), pp. 1-3.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208, (October 1, 2014) p. 1.

On [REDACTED], Claimant applied for SER for \$ [REDACTED] for home repairs for a new hot water heater. The Department determined the Claimant would have asset and income co-payments totaling \$ [REDACTED]. Accordingly, on March 26, 2015, a SER Decision Notice was issued stating SER was denied because the income/asset co-payment is equal to or greater than the amount needed to resolve the emergency. See ERM 103, (October 1, 2013), p. 4.

The Department's evidence was not sufficient to establish the asset co-payment of \$ [REDACTED] was properly calculated. It is not clear what assets the Department considered and verified had a value of \$ [REDACTED].

However, while the asset co-payment portion of the determination may have been in error, the evidence was sufficient to establish that Claimant was not eligible based solely on the income co-payment. Accordingly, this analysis will focus on the income co-payment.

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 standards found in Exhibit I, SER Income Need Standards for Non-Energy Services. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income co-payment. ERM 208, p. 1.

The application shows that Claimant is the only person in the household. Accordingly, the SER group size is one. The SER Income Need Standards for Non-Energy Services for a group size of one is \$445.00. ERM 208, p. 5.

For Social Security benefits (RSDI/SSI), the Department is to use the net amount received. ERM 206 (October 1, 2013), p. 1. The Department counted RSDI income of \$ [REDACTED]. Claimant explained that a health insurance premium of \$ [REDACTED] is automatically deducted from his gross monthly RSDI benefit. Therefore, Claimant testified he actually receives \$ [REDACTED] in RSDI each month.

Utilizing the net RSDI amount of \$ [REDACTED] and subtracting the applicable SER Income Need Standard for Non-Energy Services of \$ [REDACTED]. Claimant would have an income co-payment of \$ [REDACTED]. An income co-payment of \$ [REDACTED] still exceeds the amount needed to resolve the emergency, \$ [REDACTED] for the new hot water heater. Therefore, Claimant's SER application was properly denied.

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 determined Claimant's eligibility for SER.

### **DECISION AND ORDER**

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



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

Date Mailed: **7/2/2015**

CL/jaf

**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:

