

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-006595
Issue No.: 5001
Case No.: ██████████
Hearing Date: June 03, 2015
County: WAYNE-DISTRICT 19
(INKSTER)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 June 3, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny the Claimant's SER application for energy-related assistance to replace her furnace?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for SER on April 14, 2015 requesting assistance to replace her furnace. The amount requested was \$2545. Exhibit A and Exhibit F.
2. The Claimant listed income on her application of \$1551 and did not include unearned income based upon a pension she receives in the amount of \$171.59. Exhibit C and Exhibit F.
3. In a further effort to assist the Claimant, the Department request discretionary Emergency Service funds to pay for the repair. The Department denied the request because furnace repairs cannot be paid for by these funds.

4. The Claimant requested a hearing on April 22, 2015 protesting the Department's denial of her application.

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.

In this case, the Department denied the Claimant's request for SER assistance for a furnace replacement. Based upon Claimant's monthly income the Department determined the Claimant was not eligible because her monthly income of \$1551 exceeded the income limit for energy services which is \$1458. ERM 100, (February 1, 2015) p.4. In addition, the Department sought emergency assistance requesting use of discretionary funds to be used for the furnace repairs, which request was also denied because furnace repairs/replacements cannot be paid out of these funds. ERM 209 (March 1, 2013) p. 4. A review of ERM 209 regarding emergency services use of discretionary funds was made and it is determined that the Department is correct and these funds are unavailable for use for furnace repair/replacement.

As regards to the Department's determination that the Claimant's income exceeded the LIHEAP overall limit Department policy below indicates that the Department's analysis in that regard is correct. ERM 208 Budget Procedures provides:

There are no income copayments for SER energy services. With respect to income, clients are either eligible or they are not. 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. If the income exceeds the limit, the request must be denied; see Exhibit II, SER Income Need Standards for Energy Services. ERM 208, (October 1, 2014) p. 1.

**EXHIBIT II - SER INCOME
NEED STANDARDS FOR
ENERGY/LIHEAP SERVICES**

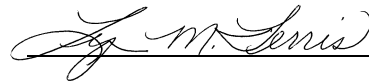
ENERGY/LIHEAP SERVICES Effective 10/01/2014	
Family Size	150% Federal Poverty Level/Month
1	\$1458

As can be seen the income limit for a group of one person cannot exceed \$1458 to be eligible for furnace replacement. ERM 208, p. 6

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 SER application for furnace replacement as her income exceeded the income limit.

DECISION AND ORDER

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



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/12/2015**

Date Mailed: **6/12/2015**

LMF / 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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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