

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 15-009772  
Issue No.: 2000, 3000, 4000, 5001  
Case No.: ██████████  
Hearing Date: July 28, 2015  
County: INGHAM

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**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 July 28, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist (ES) ██████████ and Family Independence Manager (FIM) ██████████. During this hearing it was determined that Claimant has no hearable Medical Assistance, Food Assistance Program or State Disability Assistance Program issues. Those portions of the hearing request are dismissed.

**ISSUE**

Did the Department properly determine Claimant's State Emergency Relief Program eligibility on June 10, 2015?

**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 June 9, 2015, Claimant submitted a State Emergency Relief Program application.
2. On June 10, 2015, Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her application for energy services and homeowner services was denied.
3. On June 15, 2015, Claimant submitted this hearing request.

### **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.

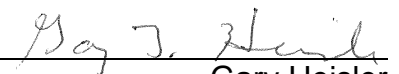
Claimant does not dispute that she has no income source at all. Her request for homeowner services was denied because her shelter is not affordable. State Emergency Relief Manual (ERM) 207 Housing Affordability (2013) was reviewed during this hearing and Claimant's shelter is not affordable in accordance with ERM 207.

Claimant's June 9, 2015 request for energy services was denied because she did not apply during the designated "crisis season", November 1 through May 31. State Emergency Relief Manual (ERM) 301 Energy Services, at page 1, states "Requests for those services will be denied June 1 through October 31."

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 State Emergency Relief Program eligibility on June 10, 2015.

### **DECISION AND ORDER**

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



Gary Heisler

Administrative Law Judge  
for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **8/7/2015**

Date Mailed: **8/7/2015**

GFH / 

**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:

