

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

IN THE MATTER OF:

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████████████████████

MAHS Reg. No.: 15-020479
Issue No.: 5001
Agency Case No.: ██████████
Hearing Date: January 14, 2016
County: Wayne-District 55

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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 January 14, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by ██████████, Hearings Facilitator and ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process Petitioner's application for State Emergency Relief (SER) assistance?

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 October 1, 2015, Petitioner submitted an application for SER assistance with roof repair. (Exhibit A)
2. On October 9, 2015, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that the Department would pay \$1500 towards her SER request for assistance; however, she was required to make a payment of \$4900 for the remaining costs of the repair estimate. (Exhibit B)
3. On October 20, 2015, Petitioner requested a hearing 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.

Additionally, SER assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2015), p. 1. Non-energy related repairs include all home repairs for client owned housing except furnace repair or replacement. Roofing repairs are considered non-energy related repairs and payment is authorized only if the repair is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. These repairs must restore the home to a safe, livable condition. ERM 304, p. 3. The lifetime maximum for non-energy-related home repairs such as requests for assistance with roofing is \$1,500 per SER group. ERM 304, p. 3. Prior to authorizing the department's portion of the cost of services, verification that the copayment, shortfall or contribution has been paid by the client is needed. ERM 302, pp. 2-4. The total copayment is the amount the SER group must pay toward their emergency. ERM 208 (October 2015), pp. 1-2. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, pp. 1-2.

In this case, Petitioner submitted an application for SER requesting assistance with the repair of her roof. Petitioner submitted three estimates for the cost of the repairs to the Department, the lowest estimate being \$6400. On October 9, 2015, the Department sent Petitioner a State Emergency Relief Decision Notice advising her that it approved a DHS payment of \$1500 towards her \$6400 request for assistance, provided that she verify that she pay the remaining \$4900 towards the cost of her roof repair. (Exhibit B). The Department testified that Petitioner was approved for the lifetime maximum for non-energy related home repairs and that it did not receive any verification that Petitioner made her required payment or contribution, thus, the Department did not authorize its approved \$1500 payment.

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 upon further review of Department policy and based on the evidence presented, the Department acted in accordance with Department policy when it processed Petitioner's SER application and approved her for the lifetime maximum of \$1500 for non-energy related home repairs.

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: **1/25/2016**

Date Mailed: **1/25/2016**

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]
[REDACTED]
[REDACTED]
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