

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

IN THE MATTER OF:

██████████	MAHS Reg. No.:	15-021924
████████████████████	Issue No.:	5001
██████████████████	Agency Case No.:	██████████
██████████	Hearing Date:	February 10, 2016
		KENT-DISTRICT 1 (FRANKLIN)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on February 10, 2016, from Lansing, Michigan. Participants on behalf of Claimant included ██████████ and her sister ██████████. ██████████ (Family Independence Manager) represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included ██████████ (Eligibility Specialist).

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Claimant's application for State Emergency Relief (SER) benefits?

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 22, 2015, the Department received the Claimant's State Emergency Relief (SER) application.
2. On November 2, 2015, the Department notified the Claimant that it had denied her State Emergency Relief (SER) application.
3. On November 28, 2015, the Department received the Claimant's request for a hearing protesting the denial of her State Emergency Relief (SER) 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.

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. Applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER. Department of Health and Human Services Emergency Relief Manual (ERM) 101 (March 1, 2013), p 1.

The Department will not issue SER benefits to reimburse expense incurred or paid without prior Department approval. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (October 1, 2015), p 3.

On October 22, 2015, the Department received the Claimant's State Emergency Relief (SER) application requesting assistance with plumbing repairs. On November 2, 2015, the Department notified the Claimant that it had denied her request for assistance with plumbing repairs.

The evidence on the record suggests that there was some confusion as to the reason the Department denied the SER application. The Claimant testified that she was told that she had failed to return certain required documents to the Department in a timely manner, and that the contractor she chose to repair her plumbing was not properly licensed.

There is no absolute right to receive SER benefits and the Claimant has the burden of establishing her eligibility to receive assistance payments. The Department may issue SER benefits to provide assistance with home repairs that are necessary for the health and safety of Michigan residents. The Claimant does not dispute that the repairs to her home plumbing were completed before her SER application was approved. Therefore, this Administrative Law Judge finds that the Claimant managed to resolve her own emergency and the Department properly denied SER benefits. While this Administrative Law Judge realizes that the financial strain of paying for these repairs may be a severe burden to the Claimant, the Department's denial of SER benefits was a proper application of its policies under these circumstances because the emergency had been resolved.

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 State Emergency Relief (SER) application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **2/16/2016**

KS/db

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]