



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 8, 2016
MAHS Docket No.: 15-024036
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 After due notice, telephone hearing was held on March 02, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED]. [REDACTED] (Hearing Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

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

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 November 30, 2015, the Department received the Petitioner's State Emergency Relief (SER) application seeking assistance with an overdue electric bill.
2. The Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED]
3. On December 3, 2015, the Department notified the Petitioner that her State Emergency Relief (SER) application had been denied.
4. On December 17, 2015, the Department received the Petitioner'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.

All earned and unearned income available to the Petitioner is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2015).

On November 30, 2015, the Department received the Petitioner's SER application seeking assistance with an overdue electric bill. The Petitioner receives a monthly income in the gross monthly amount of \$ [REDACTED] which is the total of her Supplemental Security Income (SSI) and her Family Independence Program (FIP) benefits. The Department determined that for the Petitioner to be eligible for SER benefits she would be required to pay a \$ [REDACTED] income co-payment, which was determined by reducing her gross monthly income by the \$ [REDACTED] income need standard for a group of two as directed by ERM 206.

The Petitioner argued that the Department improperly determined her monthly income. The Department uses all gross income to determine eligibility for benefits unless excluded by policy. This Administrative Law Judge finds that the Petitioner failed to establish an exemption and that the Department properly applied her full SSI benefit amount towards her eligibility for SER benefits.

On the Petitioner's SER application, the Petitioner reported that she needed \$ [REDACTED] to resolve her emergency. The Department determined through a collateral contact with the Petitioner's electricity supplier that the Petitioner only needed \$ [REDACTED] to resolve her emergency.

Based on a need of \$ [REDACTED] the Department denied the Petitioner's SER application because her income co-payment amount exceeds the need to resolve the emergency.

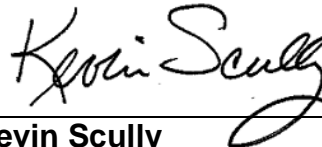
The Petitioner argued that her need was greater than \$ [REDACTED]. The Department had documentation showing that as of August 20, 2013, the Petitioner had \$ [REDACTED] account balance, and as of October 21, 2013, the Petitioner had a \$ [REDACTED] account balance with her electricity provider. The Department received a report generated on December 3, 2015, showing a \$ [REDACTED] account balance.

This Administrative Law Judge finds that the Department used the best information available to determine the need to resolve the Petitioner's emergency and properly denied her SER application based on the co-payment amount.

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 Petitioner's State Emergency Relief (SER) because her co-payment exceeds the amount necessary to resolve her emergency.

DECISION AND ORDER

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



KS/las

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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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]

DHHS

[REDACTED]

Petitioner

[REDACTED]