

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

IN THE MATTER OF:

██████████
██████████
████████████████████

MAHS Reg. No.: 15-023633
Issue No.: 5001, 3000
██████████ ██████████
Hearing Date: February 02, 2016
██████████ ██████████

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 02, 2016, from Lansing, Michigan. Participants on behalf of Claimant included ██████████ ██████████ (Hearing Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly denied the Claimant's request 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. The Claimant submitted a State Emergency Relief (SER) application requesting assistance with her gas heat bill.
2. A member of the Claimant's household receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of ██████████
3. The Claimant receives monthly earned income from employment in the gross monthly amount of ██████████.
4. On November 23, 2015, the Department notified the Claimant that her State Emergency Relief (SER) application had been approved and that the Department would pay ██████████ towards her gas heat bill with ██████████ co-payment.
5. On December 21, 2015, the Department received the Claimant's request for a hearing protesting the denial of State Emergency Relief (SER) benefits.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Claimant testified that her grievance with the Food Assistance Program (FAP) has been resolved and her request for a hearing with withdrawn with respect to that program only.

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.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), pp 3-4.

The Claimant submitted a SER application requesting assistance with her gas heat bill with a reported need of [REDACTED]. A member of the Claimant's household receives

Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED]. The Claimant receives earned income from employment in the gross monthly amount of [REDACTED]. The Claimant's net countable income of [REDACTED] was determined by reducing earned income by the 25% deduction for taxes then adding the RSDI benefits. Department of Health and Human Services Emergency Relief Manual (ERM) 206 (October 1, 2015), p 5. The Claimant's income based co-payment amount of [REDACTED] was determined by reducing net countable income by the [REDACTED] income need standard for a group of two. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2015), pp 2-6. The Claimant's asset based co-payment amount of [REDACTED] is the amount of her countable assets available to apply towards her emergency in excess of [REDACTED]. BEM 208, p 1.

On her SER application, the Claimant had requested [REDACTED] of assistance with her electric bill and [REDACTED] of assistance with her heating gas bill. The sum of the Claimant's income based co-payment and her asset based co-payment exceed the total amount of emergency assistance requested. Therefore, the Claimant was not eligible for SER benefits.

Despite receiving notification that she had been approved for assistance with her gas heat expenses, the Claimant has no right to those benefits because she has failed to establish her eligibility for those benefits.

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) request for gas heat assistance.

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: **2/10/2016**

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]