



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: February 2, 2018
MAHS Docket No.: 17-016350
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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; 42 CFR 438.400 to 438.424; 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 29, 2018, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Kathleen Scorpio-Butina, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner'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 [REDACTED], 2017, Petitioner submitted an application for SER benefits for assistance with his water utility bill. Petitioner requested \$130.88 in SER benefits.
2. Petitioner had unearned income in the form of Supplemental Security Income (SSI) benefits in the amount of \$735 per month.
3. Petitioner was the sole member of his group.
4. On November 22, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his application for SER benefits was denied.

5. On December 5, 2017, the Department sent Petitioner a Notice of Case Action informing him that his Food Assistance Program (FAP) benefit case was closing effective January 1, 2018, ongoing, for his failure to verify unearned income.
6. On December 15, 2017, Petitioner requested a hearing regarding his FAP and SER benefit cases.
7. On January 11, 2018, the Department sent Petitioner a Notice of Case Action informing him that he was approved for FAP benefits in the amount of \$192 per month effective January 1, 2018, ongoing.

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).

FAP

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.

Petitioner requested a hearing, in part, to dispute the Department's decision to close his FAP benefit case. On December 5, 2017, the Department sent Petitioner a Notice of Case Action informing him that his FAP benefit case was closing effective January 1, 2018, ongoing, for his failure to verify income. On January 11, 2018, the Department sent Petitioner a Notice of Case Action informing him that he was approved for FAP benefits in the amount of \$192 per month effective January 1, 2018, ongoing. Petitioner was satisfied with that FAP benefit amount. As there was no lapse in benefits due to the December 5, 2017 decision to close Petitioner's FAP benefit case, the issue is moot. Therefore, Petitioner's hearing request regarding his FAP benefit closure is, hereby, DISMISSED.

SER

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.

In this case, Petitioner submitted an application for SER benefits for non-energy assistance with his water utility. Petitioner requested \$130.88 in SER benefits. Petitioner received \$735 in SSI each month. The Department contended that Petitioner also received a monthly donation of \$40 per month.

State Emergency Relief (SER) assists individuals and families to restore or prevent shut off of a utility service. ERM 303 (October 2015), p. 1. SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (February 2017), p. 1. The total copayment is the amount the SER group must pay toward their emergency. ERM 208, p. 2. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, p. 2. In most cases cash assets in excess of \$50 result in an asset copayment. ERM 208, p. 1. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income copayment. ERM 208, p. 1. The income and asset copayments combined together determine the SER group's total copayment. ERM 208, p. 2. ERM 208, p. 1. When processing an application, if the copayment, shortfall, contribution or combination exceeds the need, the application shall be denied. ERM 103 (February 2017), p. 4.

The Department denied Petitioner's application for SER benefits on the basis that his copayment exceeded the need. The Department presented an SER copayment summary to establish the calculation of his copayment (Exhibit A). Petitioner's income of \$775 (\$735 in SSI and the \$40 donation) reduced by the need standard for a group of one (\$445) is \$330. ERM 208, p. 5. According to the Department's calculation, Petitioner's copayment exceeded the need.

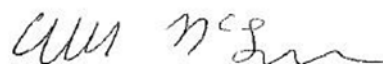
Petitioner contended that the \$40 was not income, but rather a loan. However, if only Petitioner's SSI income is considered, his copayment would still exceed the need. Therefore, the Department acted in accordance with policy when it denied Petitioner's application for SER benefits.

DECISION AND ORDER

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 Petitioner's application for SER benefits. Accordingly, the Department's decision regarding Petitioner's SER benefits is **AFFIRMED**.

Petitioner's hearing request regarding his FAP benefits is, hereby, **DISMISSED**.

EM/cg



Ellen McLemore

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

Via Email:

MDHHS-Macomb-20-Hearings
M. Holden
S. Sweeney
T. Bair
E. Holzhausen
BSC4- Hearing Decisions
MAHS

Petitioner- via First Class-Mail:

