



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: July 16, 2018
MAHS Docket No.: 18-004754
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 June 28, 2018, from Sparta, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Mary Ibarra, Eligibility Specialist. Department Exhibit 1, pp. 1-12 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application due to excess assets?

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 April 24, 2018, Petitioner applied for State Emergency Relief.
2. On April 25, 2018, Petitioner's application for State Emergency Relief was denied, due to excess assets. (Exhibit 1, pp. 9-10)
3. On May 3, 2018, Petitioner requested hearing.
4. At the time of application Petitioner had \$1,100.22 in a savings account. (Exhibit 1, p.8)

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.

ASSET LIMITS

Cash

The SER group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$50.00. **Exclude the first \$50.00 of an SER group's cash assets.**

The amount in excess of the protected cash asset limit is deducted from the cost of resolving the emergency and is called the asset copayment. See ERM 208 for instructions on using excess cash assets as a copayment. ERM 205

Asset Copayment

In most cases cash assets in excess of \$50.00 result in an asset copayment. An asset copay cannot be reduced or waived. ERM 208

In this case, Petitioner had a savings account that had a balance of \$1,100.22 at the time of application. (Exhibit 1, p. 8) Petitioner's income/asset copayment was greater than the amount needed to resolve the emergency and her application was denied on that basis. ERM 203 The amount Petitioner requested was \$819.22 which was less than her co-payment amount of \$1,050.22. Therefore, the Department denial was proper and correct. ERM 203.


Petitioner argued that this account was an escrow account that she set up to pay for her property taxes and that she did not have access to the account. The bank statement does title the account "[REDACTED] Property Tax Escrow". The bank statement also states that the account type is "Goal Setter Savings". (Exhibit 1, p.8) Petitioner presented insufficient evidence to establish that the monies in this savings account were unavailable to her.

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 State Emergency Relief due to excess assets.

DECISION AND ORDER

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

AM/bb



Aaron McClintic
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) 763-0155; 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

DHHS

Lee Ann Lentner
536 S. State St
Sparta, MI 49345

Kent County, DHHS

BSC3 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

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