



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 15, 2017
MAHS Docket No.: 17-013303
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 November 9, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Laura Besinger, Eligibility Specialist and Hearing Coordinator.

ISSUE

Did the Department properly determine Petitioner's eligibility 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. In July 2017, Petitioner received \$1,210 in SER benefits for non-energy home repairs.
2. On [REDACTED], 2017, Petitioner submitted an application for SER benefits for non-energy home repairs in the amount of \$1,700 (Exhibit A).
3. On September 7, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that she was eligible for SER benefits with a copayment of \$1,410 that was due by September 29, 2017.
4. On September 21, 2017, Petitioner submitted a request for hearing disputing her eligibility for 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 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.

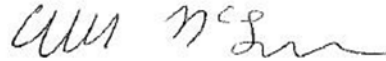
In this case, Petitioner received SER benefits for non-energy home repairs in July 2017 in the amount of \$1,210. Petitioner had half of her roof repaired. On [REDACTED], 2017, Petitioner submitted an SER application for non-energy home repairs in the amount of \$1,700. Petitioner needed repairs to the other half of her roof. On September 7, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that she was eligible for \$290 in SER benefits, but she was subject to a copayment of \$1,410. Petitioner was required to submit the copayment to the Department by September 29, 2017, before receiving SER benefits.

SER benefits assist with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2015), p. 1. Non-energy-related repairs include all home repairs for client-owned housing except furnace repair or replacement. ERM 304, p. 3. Authorization for payment is only made if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. ERM 304, p. 3. The repair(s) must restore the home to a safe, livable condition. ERM 304, p. 3. SER does not pay for improvements or nonessential repairs. ERM 304, p. 3. The lifetime maximum for non-energy-related home repairs is \$1,500 per SER group. ERM 304, p. 3.

The Department testified that Petitioner was only approved for \$290 in SER benefits, because of the \$1,500 lifetime maximum. Petitioner received SER benefits for non-energy home repairs in July 2017 in the amount of \$1,210. Therefore, Petitioner was only eligible to receive \$290. The Department calculated the remainder of the requested need as Petitioner's copayment. It is found the Department acted in accordance with policy when it determined Petitioner's SER eligibility.

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 determined Petitioner's SER eligibility. Accordingly, the Department's decision is **AFFIRMED**.



EM/

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

DHHS

MDHHS-Ingham-Hearings

Petitioner



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