

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-35925
Issue No.: 5025
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 18, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 18, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's applications for SER?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February 2, 2010, the Claimant applied for SER to pay back taxes.
2. On February 5, 2010, the Department denied the Claimant's SER application.
3. On March 5, 2010, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

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In the instant case the department denied the claimants application for unpaid property taxes because the claimant's housing was unaffordable. This seems not to be the case however, because the claimant owns his home outright and has no mortgage payments.

The claimant testified that his home was under threat of foreclosure.

Home Ownership Services

Home ownership services payments are only issued to save a home threatened with loss due to:

Mortgage foreclosure.
Land contract forfeiture.
Tax foreclosure or sale.

Court-ordered eviction of a mobile home from land or a mobile home park.

Repossession for failure to meet an installment loan payment for a mobile home.

The lifetime home ownership services maximum is \$2,000. The lifetime maximum is the combined cumulative total of all home ownership service payments. Individual services (house payments, property taxes, etc.) do not have separate lifetime maximums. (ERM 304, p.1).

This ALJ finds that the department denied the claimant's SER application for property taxes for an incorrect reason.

DECISION AND ORDER

The Administrative Law Judge based upon the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to reregister the claimant's SER application for property taxes and to evaluate the application in light of the above policy.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

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Date Signed: 10/27/2010

Date Mailed: 10/27/2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/jlg

cc:

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