

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-40748  
Issue No.: 5017/5025  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 25, 2010  
Wayne County DHS (43)

**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 25, 2010. The claimant appeared and testified.

**ISSUE**

Did the Department properly deny the claimant's State Emergency Relief (SER), application?

**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 March 8, 2010, the Claimant applied for State Emergency Relief, (SER) for home repairs.
2. On March 17, 2010, the department generated a decision notice denying the SER application.
3. On March 22, 2010, the Claimant requested 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).

Here, the Department cites SER 304 as the basis for denying the ERM application. ERM 304 says in part:

### **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.

Payments are applied to the cap of the client. Client means the applicant for or recipient of SER and includes all group members. So every individual in the group who benefits from the payment, including minor children, will have payments applied to their individual cap. The payments made to cap follow the individual even if they move from one household to another.

Bridges maintains a record of the lifetime home ownership services payments since 12/01/1991. Check Bridges under *Benefit Issuance/ SER Adjustments/View SER Cap* for the balance available for home ownership services before authorizing payment.

Mortgage payments, land contract payments and property tax payments authorized between 10/01/1994 and

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09/30/1997 required placing a lien on the homestead. Liens filed during period are still valid and must be repaid. See [ERM 403](#), Lien on Real Property, for discharge procedures.

An adjustment to the home ownership lifetime limit exists when a lien is paid in full and discharged. Central office will notify the specialist when a lien is discharged by the county register of deeds office. See [ERM 403](#), Lien on Real Property, for procedures. (ERM 304, pp.1-2)

In the present case, the department denied the SER application because the claimant did not present a plan to pay the back taxes. In addition, this case does not present a home threatened with tax foreclosure or sale.

This home therefore is not eligible.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision in this case.



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

Date Signed: 11/10/2010

Date Mailed: 11/10/2010

**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.

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