

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.: 2010-50502
Issue No.: 5025
Case No.: [REDACTED]
Hearing Date: January 26, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 26, 2011. Claimant appeared and testified. [REDACTED] represented the Department of Human Services (Department).

ISSUE

Was the Department correct in denying Claimant's request for State Emergency Relief (SER) for property taxes because the amount of all past-due taxes exceeded \$2,000.00?

FINDINGS OF FACT

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

1. Claimant applied for SER for property taxes on December 23, 2009.
2. The total amount to redeem the real estate was \$3,339.35.
3. On January 6, 2010, the Department denied Claimant's SER application because the amount of all past due taxes exceeded \$2,000.00.
4. On June 7, 2010, Claimant requested a hearing, contesting the denial.

CONCLUSIONS OF LAW

The 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 policies are found in the State Emergency Relief Manual (ERM).

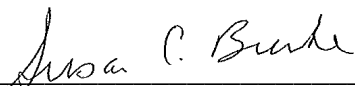
SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. Property taxes are covered by this service. ERM 304, p. 1.

A condition of eligibility for property tax of home ownership relief is that the total amount of tax arrearage for all years does not exceed \$2,000.00. ERM 304, p. 4.

In the present case, the total amount of tax arrearage for all years was \$3,339.35. The Department was, therefore, correct in its decision to deny Claimant's SER request, as the condition of eligibility for total amount of tax arrearage not exceeding \$2,000.00 was not met.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department was correct in its decision denying Claimant's SER request for property taxes and it is, therefore, ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 3, 2011

2010-50502/SCB

Date Mailed: February 7, 2011

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.

SCB/pf

cc:

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