

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: 201052866

Issue No: 5012

[REDACTED] [REDACTED]

Hearing Date:

October 21, 2010

Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 25, 2010. After due notice, a telephone hearing was held on Thursday, October 21, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

1. The Department received the Claimant's SER application on July 23, 2010.
2. The Claimant owes delinquent property taxes for the years 2007 through 2009 totaling [REDACTED].
3. The Department denied the Claimant's SER application on July 28, 2010, because granting benefits in this case would not resolve the Claimant's emergency.
4. The Department received the Claimant's request for a hearing on August 25, 2010, protesting the denial of her SER application.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

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. ERM 304. The following services are covered by this item:

- Home ownership services.
- House payments
- Property taxes and fees.
- Mobile home lot rent for owners or purchasers of mobile homes.
- House insurance premiums that are required pursuant to the terms of a mortgage or land contract. ERM 304.

A condition of receiving SER benefits for property taxes is that the total amount of tax arrearage for all years does not exceed [REDACTED] ERM 304.

Housing affordability is a condition of eligibility for State Emergency Relief (SER). ERM 207. Shelter expenses are considered affordable if they are not greater than 75% of net countable income. ERM 207.

In this case, the Department received the Claimant's SER application for July 23, 2010. The Claimant submitted verification that her home was subject to foreclosure for delinquent property taxes. The Claimant had an outstanding property tax obligation for the years 2007 through 2009 totaling [REDACTED]. The Department denied the Claimant's application because her total property tax obligation exceeded the policy limit of [REDACTED]. A [REDACTED] grand of SER funds would not have resolved the Claimant's emergency because her property would remain subject to foreclosure on the remaining delinquent taxes.

The Department has established that it acted in accordance with policy when it denied the Claimant's SER application because granting SER funds would not have resolved the Claimant's emergency.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

 /s/
Kevin Scully
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: 1/20/11

Date Mailed: 1/20/11

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.



