

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-55808
Issue No: 5025
Case No: [REDACTED]
Hearing Date:
August 3, 2011
Delta County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 received on September 17, 2010. After due notice, an in-person hearing was held on August 3, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application for past mortgage expenses because the housing was not affordable?

FINDINGS OF FACT

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

1. Claimant applied for State Emergency Relief (SER) assistance on September 9, 2010.
2. Claimant requested assistance in paying his DTE/gas bill and mortgage foreclosure expenses (the house was in foreclosure status).
3. The department approved the DTE/energy request and denied the request for mortgage (foreclosure) assistance on September 10, 2010.
4. Claimant submitted a hearing request on September 17, 2010, protesting the denial of his SER application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (DHS or department) policies are found in the State Emergency Relief Manual (SER). Department policy states:

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. Covered home ownership services include property taxes and fees. 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. ERM 304.

Claimant requested assistance in paying his mortgage foreclosure bills. Home ownership service payments are only issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, or court ordered eviction of a mobile home from land or a mobile home park. ERM 304. However, housing affordability is a condition of eligibility for SER and does not apply to home ownership services. ERM 207. Policy instructs the department to multiply the group's total countable net countable income by 75 percent. The result is the maximum total housing obligation the group can have and receive SER assistance. ERM 207.

In this case, the claimant admits that his household had no income at the time of his SER request. Thus, his maximum total housing obligation the group can have and receive SER assistance is zero. Therefore, any housing obligation is unaffordable under department policy. Thus, the department properly denied his SER application for home ownership services.

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 denying Claimant's State Emergency Relief (SER) application for past mortgage expenses because the housing was not affordable. Accordingly, the department is UPHeld in its determination.

It is SO ORDERED.

___/s/

Suzanne Morris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 15, 2011

Date Mailed: August 15, 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 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.

SLM/ac

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.