

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg. No.: 201024274

Issue No.: 5025

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 13, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 May 13, 2010 from Detroit, Michigan. The Claimant appeared and testified.

[REDACTED] FIM and [REDACTED] FIS appeared for the Department.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") benefits effective 2/10/10?

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 Claimant filed an application for SER, FIP, FAP and MA benefits on 1/7/10.
2. Claimant indicated at the hearing that the only benefit at issue was SER.

3. Claimant testified that he filed for SER benefits pending tax foreclosure on the home in which he was living. The home in which Claimant was living was owned by a church.
4. The Department denied the SER as Claimant was not the owner of the home.
5. On February 19, 2010, the Department received the Claimant's Request for Hearing protesting the denial of the 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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. 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. 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. In order to be eligible for SER benefits, the following conditions must be met:

- An SER group member is an owner or purchaser of the home, or holds a life estate on the home with the responsibility for home repairs. If the home is co-owned, the cost of the emergency is not split between the co-owners or co-purchasers.
- The home is the SER group's permanent, usual residence.


ERM 304, p. 3.

In this case, the Claimant filed a State Emergency Relief application seeking assistance for taxes for a home that was pending foreclosure. Claimant admitted that the home was owned by the church. As someone, other than Claimant, owned the residence, Claimant was not entitled to SER benefits according to ERM 304. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's SER denial is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's SER benefits.

Accordingly, the Department's denial of SER benefits is AFFIRMED.

/s/ 
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 28, 2010

Date Mailed: May 28, 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 60 days of the filing of the original request.

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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.

JV/htw

cc:

