

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

IN THE MATTER OF:

[REDACTED]

Reg. Nos.: 2010-34498
2010-51399
Issue Nos.: 5000; 5016; 5025
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 14, 2010
DHS County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37, and upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on October 14, 2010. Claimant appeared and testified. [REDACTED], appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in determining 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) Claimant applied for SER benefits on July 23, 2010, seeking assistance with a water bill and property taxes.
- (2) Claimant's application for SER was approved for water utilities and denied for property taxes on August 2, 2010.
- (3) Claimant received \$129.40 in benefits for water utilities with a \$388 co-payment.
- (4) Claimant receives \$888 per month in Social Security benefits.

- (5) Claimant requested a hearing in August 2010 contesting the determination of SER benefits.
- (6) Claimant requested a hearing on February 8, 2010, contesting the determination of a previous SER application.
- (7) Claimant testified at the hearing that she is satisfied with the actions taken by the Department with regard to her February application and requests that hearing request be dismissed.

CONCLUSIONS OF LAW

SER 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 (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (ERM).

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.

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. ERM 304.

Required Payments. The SER group has to pay the minimum monthly amounts for water, sewer and/or cooking gas for the last six months. ... The required payment period is always the six-month period prior to the month the SER group applies. If required payments of the requested service were not met, determine if good cause for nonpayment exists. Unmet required payments are also referred to as a shortfall. ERM 302.

In the present case, Claimant receives \$888 in Social Security benefits. Claimant's request for assistance for her property taxes was denied because Claimant's property is not up for tax sale. ERM 304. Claimant acknowledged that her home was not up for

tax sale. Therefore, the Department's denial of SER for assistance with outstanding property taxes because the property is not up for tax sale is proper and correct.

In the present case, as it relates to SER for an outstanding water bill, the Department determined that Claimant was entitled to \$129.40 in benefits with a \$388 copayment. Claimant had \$517.40 need amount. Her copay allocation, based on her income, was \$388 leaving \$129.40 in unmet need. This was the amount of benefit determined by the Department and it is correct. ERM 302.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct in the determination of Claimant's SER benefits, and it is ORDERED that the Department's decision in this regard be, and is, hereby AFFIRMED. Claimant's request for hearing from February 2010 is DISMISSED.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 25, 2010

Date Mailed: October 27, 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.

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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.

AM/hw

cc:

