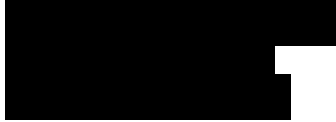


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201050710
Issue No.: 5025
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 18, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 18, 2010. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief and Emergency Services 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 and ES benefits seeking assistance with outstanding property taxes on June 28, 2010.
- (2) Claimant's application for SER was denied on July 7, 2010 because she was not facing tax foreclosure sale and was not facing an emergency.
- (3) Claimant requested a hearing on July 20, 2010 contesting the denial of SER benefits.

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

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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.

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 the majority of cases, SER is sufficient to resolve threats to health and safety. However, due to the nature of emergencies and variations in SER group circumstances, unusual situations may exist. This item gives guidelines for providing essential assistance in these cases when SER is denied because the:

- Group does not meet SER requirements.

- Needed service is not covered by SER policy.
- Amount needed exceeds SER limits.

EMERGENCY SERVICE FUNDS (ES) ES funds are discretionary funds allocated to each local office to provide assistance when an applicant does not meet SER eligibility. See current fiscal year requirements released through an L-letter or other departmental communication for use of ES funds. ERM 209


In the present case, Claimant requested SER assistance for outstanding property taxes. Claimant had outstanding property taxes for 2009. Claimant was not facing a tax foreclosure sale. Department policy requires that a Claimant be facing tax foreclosure or sale to be eligible for emergency relief for outstanding taxes. (ERM 304). Therefore, the Department's denial of State Emergency Relief due to not facing a tax foreclosure and not facing an emergency is proper and correct. Claimant's request for emergency service funds was also denied because she was not facing an emergency and she did not meet any of the other criteria. This is proper and correct. (ERM 209).

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER and ES benefits, and it is ORDERED that the Department's decision in this regard

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be and is hereby AFFIRMED.



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

Date Signed: November 29, 2010

Date Mailed: November 29, 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.

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.

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