

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]

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] grant 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.

