

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: 20114323
Issue No: 5018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: January 11, 2011
Wayne 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 October 18, 2010. After due notice, a telephone hearing was held on Tuesday, January 11, 2011.

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 Claimant applied for State Emergency Relief (SER) benefits for assistance with his delinquent mortgage.
2. The Claimant needed to pay \$ [REDACTED] in order to prevent his home from being foreclosed upon.
3. On October 7, 2010, the Department denied the Claimant's SER application.
4. The Department received the Claimant's request for a hearing on October 8, 2010, protesting the denial of his 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. Department of Human Services (Department) policies are found in the State Emergency Relief Manual (SER).

The Department will approve an SER application for Home Ownership Services payments only 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. Claimant's seeking relief on their mortgage foreclosure must provide verification such as a court order or a written statement from the contract holder or mortgagee that there is a payment arrearage and failure to correct the deficiency may result in foreclosure or forfeiture proceedings, or a court summons, order or judgment that will result in the SER group becoming homeless. ERM 304. The lifetime home ownership services maximum is \$2,000. The lifetime maximum is the combined cumulative total of all home ownership service payments. Individual services (house payments, property taxes, etc.) do not have separate lifetime maximums.

The Claimant submitted an SER application seeking assistance with his delinquent mortgage and to prevent his home from an impending foreclosure. Based on verification documents submitted by the Claimant, the Department determined that he needed to pay \$ [REDACTED] in order to prevent his home from being foreclosed upon. Since this amount exceeds the maximum benefit amount, awarding SER benefits in this case would not resolve the emergency because the Claimant's home would remain subject to foreclosure.

The Claimant argued that he did not have a \$ [REDACTED] obligation. The Claimant testified that his unmet required mortgage payments totaled approximately \$ [REDACTED] and that this was the amount he needed to pay to avoid foreclosure.

However, the SER maximum benefits it \$2,000. Therefore, the Department established that it properly denied the Claimant's SER application.

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 determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

____/s/

Kevin

Scully
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 20, 2011

Date Mailed: January 24, 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.

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.

KS/ds

cc:

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