

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: 2011-76
Issue No: 5018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a three-way telephone hearing was held on October 27, 2010. Claimant personally appeared and testified along with his wife [REDACTED] from their home.

ISSUE

Did the department correctly deny claimant's State Emergency Relief (SER) application in September, 2010?

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 help with mortgage foreclosure on August 30, 2010.

2. On September 2, 2010 department denied claimant's SER application due to his housing not being affordable. Claimant's monthly mortgage payment is \$725.72 and net countable household income was \$405 per month according to department's budget.

3. Claimant requested a hearing on September 10, 2010 saying that his total unpaid mortgage payments are \$9,253.98 and asking for the department to consider his application if a lesser value could be submitted.

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 (DHS or department) policies are found in the State Emergency Relief Manual (ERM).

SER policy addresses housing affordability and states that an applicant for a housing emergency must have sufficient income to meet the ongoing housing obligation. ERM 207. This is one of the requirements for a person to possibly qualify for help with a mortgage foreclosure such as in claimant's situation. The policy also states that the lifetime maximum amount department can pay for home ownership needs (such as mortgage payments, property taxes, etc.), is \$2,000. ERM 304. Claimant testified that he has had a variety of health problems and been off work due to such problems, and this is why he could not pay his mortgage payments. While the Administrative Law Judge certainly understands the situation that the claimant has found himself due to medical issues beyond his control, department's policy clearly prevents the issuance of home ownership services due to claimant's housing not being affordable.

Claimant was advised to apply for State Disability Assistance, as he could possibly qualify for this program. Claimant is already receiving food stamps. Department's representative stated that he would mail assistance application to the claimant after the end of the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's SER application in September, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 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.

IR/tg

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cc:

