

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: 20118268

Issue No: 5025

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 10, 2011

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on March 10, 2011.

ISSUE

Was the claimant's application for SER funds properly denied?

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 property tax assistance in September 2010.
- (2) Claimant applied for funds for an escrow advance of \$4117.11.
- (3) Claimant's SER application was denied because there was no imminent emergency; furthermore, even if claimant's requested payment could be counted as tax assistance, the back tax bill would be more than the \$2000 limit imposed by policy.

- (4) On November 10, 2010, claimant requested a hearing on the matter, contesting the SER denial.

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 applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER. ERM 101. In the case of housing payments or utility payments, this usually requires that the applicant be facing an actual eviction or foreclosure. ERM 301, 302, 303. In SER applications involving tax emergencies, SER funds may only be allocated if the total amount of tax arrearage for all years does not exceed \$2,000. ERM 304.

Claimant's tax bill, at the time of the application, was \$4117.11. This is in excess of the limit stated in ERM 304, assuming that SER funds could be used for an escrow advance, which does not appear to be allowed by policy.

Furthermore, claimant was not facing foreclosure or eviction at the time of the request, by her own testimony. Policy requires claimant to have an actual emergency in order to qualify for SER funds. Because claimant was not facing foreclosure or eviction, claimant did not have an emergency, and thus could not qualify for SER funds, even if she met the other requirements.

Therefore, as the claimant's tax arrearage is in excess of the limit for which SER funds may be disbursed, the nature of the fund request is not allowed by policy, and the claimant was not facing an actual emergency, the undersigned must hold that the Department's decision, no matter how unfortunate in the current situation, was the correct one.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's SER application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 04/11/11

Date Mailed: 04/19/11

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.

RJC/dj

cc:

