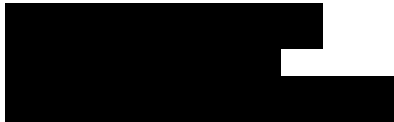


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201110207
Issue No: 5025
Case No: [REDACTED]
Hearing Date:
March 9, 2011
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received on December 3, 2010. After due notice, a telephone hearing was held on March 9, 2011. Claimant personally appeared and provided testimony.

ISSUE

1. Did the department properly deny Claimant's State Emergency Relief (SER) application for property taxes because the property was not in foreclosure status?

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 State Emergency Relief (SER) assistance on November 16, 2010. (Department Exhibits 1-6).
2. Claimant requested assistance in paying his property taxes, which totaled \$ [REDACTED] for tax years 2007 and 2008. (Department Exhibits 1, 4).
3. The department denied the SER request, indicating that Claimant's delinquent property taxes, which totaled \$ [REDACTED] for tax years 2007 and 2008, exceeded the lifetime home ownership services maximum of \$ [REDACTED] (Department Exhibits 7-8).

4. Claimant submitted a hearing request on December 1, 2010, protesting the denial of his SER application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (SER). Department policy states:

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. Covered home ownership services include property taxes and fees. 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.

Department policy further provides that the lifetime home ownership services maximum is \$ [REDACTED]. 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. ERM 304.

In this case, Claimant requested assistance in paying his property taxes. According to the delinquent tax status of Claimant's property, Claimant owed \$ [REDACTED] in delinquent taxes for 2008, and \$ [REDACTED] in taxes for 2007. Payment of taxes may be made once the client provides a notice scheduling the judicial foreclosure hearing. It is not necessary to wait until the judgment has been entered. Once a judgment has been entered, the client must make payment within 21 days of entry of the foreclosure judgment but no later than March 31. ERM 304.

While Claimant provided a notice scheduling his property for a judicial foreclosure hearing, the total amount of his delinquent property taxes is \$ [REDACTED] which exceeds the lifetime home ownership services maximum of \$ [REDACTED]. Therefore, the department correctly determined that Claimant was not eligible for SER assistance with his property taxes according to departmental policy.

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 Claimant's property tax SER eligibility. The department's property tax eligibility determination is therefore UPHeld.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 16, 2011

Date Mailed: March 16, 2011

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 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.

SDS/alc

cc:

