

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-30206  
Issue No.: 5017  
Case No.: [REDACTED]  
Hearing Date: June 20, 2011  
DHS County: Wayne (82-49)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Monday, June 20, 2011. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

**ISSUE**

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application based on the Claimant reaching her lifetime cap?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In between October 1, 1995, and September 30, 1997, the Claimant received SER non-energy-related home repair assistance in the amount of \$1,500.00.
2. Subsequently, the Department placed a lien on the Claimant's property for the SER amount.
3. In December 2008, the Claimant applied for SER non-energy-related home repair assistance in the amount of \$1,450.00.
4. The Department approved the December 2008 SER request; however, the repair was never completed and funds were never released.

5. On March 7, 2011, the Claimant submitted a SER application seeking non-energy related home repair assistance.
6. On March 30, 2011, the Department denied the SER request stating that the Claimant had reached the allowable cap under the program. (Exhibit 2)
7. On April 6, 2011, the Department received the Claimant's written request for hearing.

### **CONCLUSIONS OF LAW**

The 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, formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM").

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304.

Authorization for payment is made only if the home repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. ERM 304. The repair(s) must restore the home to a safe, livable condition. ERM 304. The lifetime maximum for non-energy-related home repairs is \$1,500.00 per SER group. ERM 304. All non-energy-related repairs approved since December 1, 1991, count toward this maximum. ERM 304. Non-energy home repairs authorized between October 1, 1995, and September 30, 1997, required placing a lien on the homestead. ERM 304; ERM 403. An adjustment to the non-energy-related home repair or home ownership services lifetime limits exists when a lien is paid in full and discharged. ERM 403. The Energy and Emergency Services unit should notify the local office worker when a lien is released by the county Register of Deeds office. ERM 403. After the payment history adjustment, the homeowner may reapply for and receive SER funds for future needs. ERM 403.

In the record presented, the Claimant was approved for non-energy-related home repair assistance between October 1, 1995, and September 30, 1997. In accordance with policy at that time, the Department placed a lien on the Claimant's homestead. During the hearing, the Claimant testified that the lien was discharged when she refinanced her home. Although the Department believed the lien was released, the DHS-4742 (Lien

Discharge on Real Property) was not presented. If the lien was repaid, the Department is required to adjust the Claimant's lifetime limit for non-energy-related home repair or home ownership services.

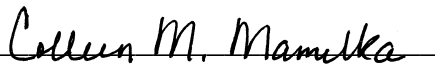
In December 2008, the Claimant applied for SER non-energy-related home repair assistance. The Department approved the request; however, the work was never done and payment was never released. The Department testified that although the payment was not made, the payment is still showing in the Claimant's payment history. This needs to be expunged. On March 30, 2011, the Department denied the Claimant's March 7, 2011, SER request based on the Claimant reportedly reaching the lifetime cap. As noted above, if the lien was discharged **and** the Claimant did not receive the \$1,450.00 SER request from December 2008, the Claimant was entitled to have the March 7, 2011, SER request processed in accordance with policy as the lifetime cap would not be an issue. Ultimately, based on the foregoing, the Department failed to establish it acted in accordance with Department policy when it denied the Claimant's March 7<sup>th</sup> SER request for non-energy-related home repair assistance. Accordingly, the Department's determination is REVERSED.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department failed to establish it acted in accordance with Department policy when it denied the March 7, 2011, SER request.

Accordingly, it is ORDERED:

1. The Department's March 30, 2011, determination is REVERSED.
2. The Department shall confirm the discharge of the lien.
3. The Department shall adjust the Claimant's payment history to expunge the December 2008 SER request for \$1,450.00 that was never released.
4. Provided the lien is discharged, the Department shall process the Claimant's March 7, 2011, SER request in accordance with Department policy.

  
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**Colleen M. Mamelka**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 27, 2011

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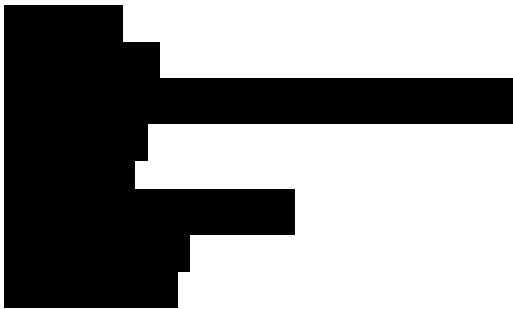
Date Mailed: June 30, 2011

**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 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.

CMM/pf

cc:

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