

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-30826
Issue No: 5025

[REDACTED]

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 April 20, 2011. After due notice, a telephone hearing was held on June 16, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's State Emergency Relief (SER) application for assistance in paying his property taxes because the past due amount exceeded [REDACTED]?

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 April 11, 2011, requesting assistance in paying back property taxes. (Department Exhibits 1-2).
2. According to the [REDACTED] Claimant owed back property taxes for the past five years in the total amount of [REDACTED]. (Department Exhibits 3-7).
3. On April 13, 2011, the department mailed Claimant a State Emergency Relief Decision Notice denying his request for assistance with back taxes because the past due amount exceeded [REDACTED].

4. Claimant submitted a hearing request on April 20, 2011, protesting the denial of 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).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. 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 policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 service payments are only issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, court ordered eviction of a mobile home from land or a mobile home park, or repossession for failure to meet an installment loan payment for a mobile home. In addition, the total amount of tax arrearage for all years shall not exceed [REDACTED]. (This only applies to home ownership for taxes.) The minimum amount is paid to resolve the tax emergency, however, the department does not make payments until loss of the home is imminent. ERM 304.

In this case, Claimant applied for SER to pay his back property taxes. According to the delinquent tax status of Claimant's property, Claimant owed a total of [REDACTED] in delinquent taxes for 2006, 2007, 2008, 2009, and 2010. Therefore, because the total amount exceeded of back taxes exceeded [REDACTED] the department could not authorize payment of the tax arrearages.

Claimant testified that his mother had died and he had been trying to keep up on the property taxes and even [REDACTED] would help him to keep the property because the county was willing to work with him on payments. However, there is no exception to the departmental policy that the total amount of tax arrearages for all years cannot exceed [REDACTED]. ERM 304. Therefore, the department properly denied 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 denying Claimant's application for back property taxes.

Accordingly, the department's decision is UPHELD.

It is SO ORDERED.

_____/s/_____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/20/11

Date Mailed: 6/20/11

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 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.

VLA/ds

