

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201134050
Issue No: 5025
Case No: [REDACTED]
Hearing Date:
June 30, 2011
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 3, 2011. After due notice, a telephone hearing was held on Thursday, June 30, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

1. The Claimant applied for State Emergency Relief (SER) on December 20, 2010, seeking assistance with delinquent property taxes.
2. The Claimant has a past due property tax obligation of \$2,625.25 on his residence.
3. On December 21, 2010, the Department notified the Claimant that it had denied his State Emergency Relief (SER) application.
4. The Department received the Claimant's request for a hearing on January 3, 2011, protesting the denial of State Emergency Relief (SER) benefits.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

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.

The following services are covered by this item:

1. Home ownership services.
 - a. House payments (mortgage, land contract payment or mobile home sales contract), including principal and interest, legal fees and escrow accounts for taxes and insurance.
 - b. Property taxes and fees.
 - c. Mobile home lot rent for owners or purchasers of mobile homes.
 - d. House insurance premiums that are required pursuant to the terms of a mortgage or land contract.
2. Energy-related home repairs.
3. Non-energy-related home repairs. ERM 304.

The lifetime home ownership services maximum is \$2,000, and 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, the Claimant applied for State Emergency Relief (SER) benefits on December 20, 2010. The Claimant has a past due property obligation of \$2,625.25 on his residence. On December 21, 2010, the Department notified the Claimant that it had denied his application for State Emergency Relief (SER) benefits because his obligation exceeds the lifetime home ownership services maximum of \$2,000.

The Claimant testified that he was not aware that State Emergency Relief (SER) was available until after his obligation had exceeded the maximum amount. The Claimant testified that he made arrangements with the tax collector to set up a payment plan on his property taxes.

The Department determined the Claimant's eligibility for benefits based on his circumstances at the time of application. Since his obligation exceeds the maximum benefits, State Emergency Relief (SER) benefits would not have resolved the Claimant's emergency.

Furthermore, State Emergency Relief (SER) would not be appropriate in this case because the Claimant was able to resolve his housing emergency through other means.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for the State Emergency Relief (SER).

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 the Claimant's State Emergency Relief (SER) eligibility.

The Department's State Emergency Relief (SER) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 19, 2011

Date Mailed: July 20, 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.

KS/tg

cc:

