

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201153052
Issue No.: 5025
Case No.: [REDACTED]
Hearing Date: November 3, 2011
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on November 3, 2011, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

During the hearing, the Claimant raised three other issues. Those issues were in reference to Food Assistance Program (FAP) benefits, Medical Assistance (MA) and a State Emergency Relief (SER) application for roof repair. It was determined that all three issues were a result of a Department action that occurred after the Claimant's August 22, 2011 hearing request pertaining to this issue. The Claimant was advised to file a new hearing request in regards to any other subsequent Department actions that occurred after the August 22, 2011 hearing request.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) for property tax assistance?

FINDINGS OF FACT

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

1. On August 9, 2011, Claimant applied for SER assistance for property taxes.

2. On August 12, 2011, the Department sent notice of the application denial to Claimant.
3. On August 22, 2011, the Department received Claimant's hearing request, protesting the SER denial.

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, 1999 AC, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

The Department offers Home Ownership Services for Property Taxes and Fees. However those services are only offered if the property in question is in tax foreclosure or sale. ERM 304.

In the present case, the Department verified that the Claimant's home was not in tax foreclosure or sale at the time of application and therefore I find the Department properly denied the Claimant's application for property tax assistance.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law the Department did act properly in this case.

Accordingly, the Department's decision is **AFFIRMED**.

/s/ _____
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: November 4, 2011

Date Mailed: November 7, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

cc:

