

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

IN THE MATTER OF:



Reg No: 2011830
Issue No: 5025
Case No: [REDACTED]
Hearing Date:
January 3, 2011
Macomb County DHS-20

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on January 3, 2011. The Claimant appeared and testified. William Carper FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief 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) Claimant applied for SER benefits on June 3, 2010.
- (2) Claimant's application for SER was denied on June 10, 2010 because shelter was not affordable.
- (3) Claimant's husband earns \$1995.20 per month employment income.

- (4) Claimant's ongoing property tax obligation is \$200 per month.
- (5) Claimant owed \$3010.87 in property taxes at the time of application.
- (6) Claimant was not facing a property tax foreclosure sale at the time of application.
- (7) Claimant requested a hearing on September 9, 2010, contesting the denial of 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. The Department of Human Services' [formerly known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("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, p. 1.

Department policy defines affordability: Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207

Home Ownership Services

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.

The lifetime home ownership services maximum is \$2,000. 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 the present case, Claimant's application was denied because she did not have sufficient income to meet her ongoing shelter expense. The Department was incorrect that Claimant did not have sufficient income to meet her ongoing housing expense. The total housing obligation did not exceed 75% of the household's net countable income. However, Claimant was not facing tax foreclosure so ultimately it was correct for the Department to deny the application. ERM 304 This separate reason should have been included on the decision notice. In addition, the amount requested by the Claimant exceeded the \$2,000 maximum for the program and could have been denied on that basis. ERM 304

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/19/11

Date Mailed: 01/24/11

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 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.

AM/dj

cc:

