

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-40103
Issue No.: 5017, 5025
Case No.: [REDACTED]
Hearing Date: June 27, 2012
Wayne County DHS (31)

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 Wednesday, June 27, 2012. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's application for State Emergency Relief ("SER") dated January 25, 2012?

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 January 5, 2012, the Claimant entered into a Stipulated Agreement with the Wayne County Treasurers to pay delinquent property taxes. (Exhibit 2)
2. The Claimant submitted an application for SER benefits for property taxes and home repairs on January 25, 2012. (Exhibit 1)
3. On February 22, 2012, a SER Decision Notice was mailed to the Claimant informing her that her home repair request was approved for \$1,500.00 provided the Claimant pay \$3,700.00. (Exhibit 3)

4. The SER Decision Notice also informed the Claimant that her request for property tax assistance was denied because the emergency was resolved. (Exhibit 3)
5. On March 2, 2012, the Department received the Claimant's timely written request for hearing. (Exhibit 4)

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 Mich Admin Code, Rules 400.7001 through Rule 400.7049. Department of Human Services', 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.

SER helps 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 services include the payment of property taxes and fees. ERM 304. Home ownership services payments are only issued to save a home threatened with the loss due to mortgage foreclosure, land contract foreclosure, tax foreclosure or sale, 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. ERM 304. The lifetime home ownership services maximum is \$2,000.00. ERM 304.

In this case, the Claimant submitted an application for SER benefits to assist with home repair and delinquent property taxes. Prior to the application, the Claimant entered into an agreement with the Wayne County Treasurer which set up payment arrangements for the delinquent property taxes. As a result, at the time of the SER application on January 25, 2012, the "emergency" no longer existed. As such, the Department properly denied the SER application for property taxes.

Regarding the home repairs; the Department approved the home repairs provided the Claimant pay \$3,700.00 towards the repair. During the hearing, the Claimant testified that she declined to get the home repairs completed because she wasn't sure if she would be able to remain in the house, again due to the likelihood that she would be unable to meet the terms of the agreement with the Wayne County Treasurer. Since

proof of payment was not received by the Department by February 23, 2012, the home repair SER approval was closed.

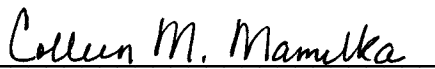
Ultimately, the Department established it acted in accordance with Department policy when it processed the Claimant's January 25, 2012 SER application. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with department policy when it processed the Claimant's January 25, 2012 SER application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.


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

Date Signed: July 9, 2012

Date Mailed: July 9, 2012

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. (60 days for FAP cases)

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.

2012-40103/CMM

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

CMM/cl

cc:

