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

IN THE MATTER OF:

[redacted]

Reg. No.: 2012 70025
Issue No.: 5025
Case No.: [redacted]
Hearing Date: March 13, 2013
County: Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 13, 2013 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted] FIM.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

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 July 24, 2012, Claimant applied for SER assistance with shelter emergency and requested assistance with her delinquent property taxes. Exhibit 1.

2. On July 26, 2012, the Department sent a State Emergency Relief Decision notice which denied the application to Claimant. Exhibit 2.

3. The Notice denied the Claimant's request for the reason that the home for which the delinquent tax assistance was sought was not the group's permanent residence. The Department at the hearing indicated that the proper basis for denial was that the taxes presented were not in tax foreclosure proceedings.

4. On August 6, 2012, the Department received Claimant's hearing request, protesting the SER denial.

CONCLUSIONS OF LAW

The State Emergency Relief (S ER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq* ., and by, 1999 AC, Rule 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

Additionally, in this case the Claimant's application was admitted into evidence. The application sought emergency assistance with delinquent prop erty taxes, none of the taxes were in tax for eclosure or sale pr oceedings. ERM 304 s pecifically addresses whether delinquent taxes can be considered a covered emergency, it provides:

> SER helps to prevent loss of a home if no other resources are available and the home will be available to provid e safe shelter for the SER group in t he foreseeable future. SER also assist s with hom e repairs t o correct unsafe conditions and restore essential services.
>
> Home ownership serv ices 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 f rom land or a mobile home park.
>
> Repossession for failure to meet an installment loan payment for a mobile home.
>
> BEM 304, pp1, (8-1-2012)

As establis hed by the above-referenced poli cy, the Department correctly denied the SER Application bec ause none of the tax bills submit ted by the Claimant were subject to tax forec losure or s ale. Even though the notice incorrectly stated the reason for the application denial, this error wa s harmless as the outcome resu lting in the denial of the application was correct.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
☒ properly denied ☐ improperly denied
Claimant's SER application for assistance with shelter emergency.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
☒ did act properly. ☐ did not act properly.

Accordingly, the Department's decision is ☒AFFIRMED ☐REVERSED for the reasons stated on the record.

Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 26, 2013

Date Mailed: March 26, 2013

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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc: [redacted]