

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

IN THE MATTER OF:



Reg. No.: 2012-76993
Issue No.: 5016; 5025
Case No.: [REDACTED]
Hearing Date: March 20, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], APS.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

Did the Department properly deny Claimant's request for SER assistance with home ownership/taxes?

FINDINGS OF FACT

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

1. On August 13, 2012, Claimant applied for SER assistance with energy or utility service, water and taxes.
2. On August 17, 2012, the Department sent to Claimant notice of the application denial for electric, gas and taxes, and an approval for water SER, with a copayment due by Claimant.
3. Claimant's electric and gas accounts were subject to bankruptcy proceedings at the time of the SER application.

4. Claimant's home was not subject to tax foreclosure sale at the time of the SER application.
5. On September 19, 2012, the Department received Claimant's hearing request, protesting the SER denial with respect to electric, gas, and taxes. Claimant did not protest the SER decision with respect to a copayment for water.

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

Gas and Electric

In the present case, Claimant applied for SER for gas and electric in the amounts of \$2,781.05 and \$2,826.13, respectively. Claimant does not dispute that at the time of the application, those accounts were subject to a bankruptcy proceeding.

ERM 302, p. 1, instructs:

Do not approve the following services under any circumstances:

-
- Bankrupt accounts.

....

Claimant testified that she had tried to apply for only the portion of the bill that would not be discharged in bankruptcy, but even if she had placed that amount on the application, the accounts were still subject to bankruptcy proceedings. Under these facts, the Department was correct in denying Claimant's request for SER gas and electric.

Taxes

Claimant also requested a hearing regarding the SER denial of her request for assistance with taxes. Claimant testified that her home was not subject to tax foreclosure or sale at the time of the SER application.

ERM 304, p. 1 instructs:

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.

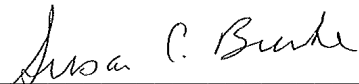
Under these facts, the Department was correct in denying Claimant's request for tax assistance SER.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied improperly denied Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for 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.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 21, 2013

Date Mailed: March 21, 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.

2012-76993/SCB

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

SCB/tm

cc:

