

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

IN THE MATTER OF:



Reg. No.: 201275192
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: March 18, 2013
County: Wayne (#57)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Monday March 18, 2013. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief (SER) application for home repairs?

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 22, 2013, the Claimant submitted an SER application to purchase a hot water tank and furnace for a newly purchased home.
2. Claimant purchased the home in May 2012 subject to foreclosure due to delinquent property taxes for years 2010 and 2011. (Exhibit 2 & 3)
3. On August 28, 2012, the Department denied Claimant's SER application due to the home being in jeopardy of loss.
4. On August 31, 2012, the Department received Claimant's written hearing request protesting the denial of her SER application.

CONCLUSIONS OF LAW

The Department of Human Services policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 helps to 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. SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 (August 2012), p.1. Authorization for payment is only made if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition. ERM 304, p. In addition, certain conditions must be met to be eligible for home repair assistance which includes **the home is not in jeopardy of loss**. The Department must deny repairs if there is a house payment or property tax arrearage, unless a workable plan exists for paying the arrearage. ERM 304, p. 3.

In this case, Claimant did not provide proof of having a workable plan in place to pay the tax arrearage at the time of application. She testified that she did not know she had to pay the prior property taxes when she purchased the home in May 2012. Subsequently, in November 2012 she provided the Department with a letter from a community service agency indicating that it was assisting her with a creating a workable plan to pay the back taxes. Claimant owed the property tax arrearage and had no workable plan in place at the time of application in August 2012. As such the SER application for home repairs was properly denied by the Department.

Accordingly, the Department established it acted in accordance with policy when it denied Claimant's SER application for home repair services due to the home being in jeopardy of loss from property tax arrearage. Claimant may reapply for SER benefits at anytime if circumstances change.

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 when it denied Claimant's the SER application for home repair services on August 28, 2012.

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

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/28/2013

Date Mailed: 3/28/2013

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. (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.

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

MH/hw

cc:

