

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

IN THE MATTER OF:



Reg. No.: 2013-8232
Issue No.: 5025
Case No.: [REDACTED]
Hearing Date: April 11, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 April 11, 2013, from Detroit, Michigan. Participating on behalf of Claimant was [REDACTED] Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (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 September 28, 2012, Claimant applied for SER assistance with paying her property taxes.
2. On October 3, 2012, the Department sent Claimant a State Emergency Relief Decision Notice informing her that she had to make a copayment of \$5178.74 before the Department would pay any amount requested for property tax assistance. (Exhibit 1)
3. On October 15, 2012, the Department received Claimant's hearing request, protesting the SER Decision Notice with respect to property taxes.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

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, R 400.7001 through R 400.7049.

Additionally, property taxes and fees are considered covered home ownership services for SER purposes and payments are only issued to save a home threatened with loss due to tax foreclosure or sale, among other things. ERM 304, p. 1. The lifetime home ownership services maximum is \$2,000. The lifetime maximum is the combined cumulative total of all home ownership service payments. ERM 304, p. 1. In addition to several other eligibility factors required for SER home ownership service payments for property taxes, BEM 304 provides that the total amount of tax arrearage for all years cannot exceed \$2,000. The total tax arrearage amount is the total for every year combined, not just for the tax years which assistance is being requested. ERM 304, pp.3-4.

In this case, Claimant requested a hearing regarding the SER denial of her request for assistance with property taxes. Claimant submitted an application for SER on September 28, 2012 seeking assistance with her property taxes. Claimant did not specify on the application which tax year for which she was requesting assistance and provided the Department with tax information for all tax years. At the hearing, the Department testified that in processing Claimant's application, it considered only the property tax information from the years 2010 and 2011. (Exhibit 2). Claimant testified that she was requesting assistance for the year 2009 and did not know that she should only submit the information for 2009. The Department acknowledged that it acted in error when it did not consider the year 2009 property taxes when it sent Claimant a SER Decision Notice. This error proved to be harmless. Because the Department needs to consider the total tax arrearage, not just for the year the assistance is being requested, the total taxes owed in this case exceeds the \$2,000.00 lifetime maximum for home ownership service payments under ERM 304. According to the Property and Tax information presented at the hearing from the Wayne County Treasurer, there were taxes owed for 2010 in the amount of \$3,343.55 and taxes owed for 2011 in the amount of \$2,582.09. (Exhibit 2).

Therefore, regardless of the fact that the Department excluded tax year 2009, Claimant's application for SER for property tax assistance still would have been denied because the total tax arrearage exceeds the limit. As such, the Department acted in accordance with Department policy when it denied Claimant's application for SER assistance for property taxes.

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 acted in accordance with Department policy when it denied Claimant's application for SER.

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 1, 2013

Date Mailed: May 1, 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc:

