

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201326042
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: June 20, 2013
County: Wayne County (#49)

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 January 22, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Thursday, June 20, 2013 from Detroit, Michigan. The Claimant appeared, along with her husband ([REDACTED]). Participant on behalf of Department of Human Services (Department) included was [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 January 9, 2013, the Claimant submitted an SER application for DTE energy services, and to purchase a hot water tank in the amount of \$699.00.
2. The Claimant had delinquent property taxes for tax year 2011, in the amount of \$4,727.55.
3. On January 9, 2012, the Department sent an SER Decision Notice denying the SER request for home repairs (hot water tank) due to the home being in jeopardy of loss.

4. On January 22, 2013, the Department received Claimant's written hearing request protesting the denial of the SER application for home repair services.

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. 4.

In this case, Claimant had a tax arrearage of \$4,727.55 for tax year 2011 at the time of application. Subsequently, a community service agency has assisted Claimant with paying the back taxes as of June 2013. Evidence shows Claimant owed the property tax arrearage and had no workable plan in place at the time of application in January 2013. As such, the Department established it acted in accordance with policy when it denied Claimant's SER request for home repairs due to the home being in jeopardy of loss from property tax arrearage. Claimant may reapply for SER benefits if circumstances change.

Accordingly, the Department's action is UPHeld.

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 January 9, 2013.

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

M. Howe

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

Date Signed: 6/27/2013

Date Mailed: 6/27/2013

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:

