

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 2013-37493
Issue No.: 5012;5025
Case No.: ██████████
Hearing Date: June 26, 2013
County: Wayne (17)

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 June 26, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Client Information System Specialist.

ISSUE

Did the Department properly deny Claimant's requests for State Emergency Relief (SER) assistance with property 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 or about December 29, 2012, Claimant applied for SER assistance with property taxes.
2. On March 21, 2013, the Department sent Claimant a State Emergency Relief Decision Notice informing her that her application for SER assistance for property taxes had been denied due to her shelter not being affordable. (Exhibit 1).
3. On March 21, 2013, 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.

In this case, Claimant requested a hearing regarding the SER denial of her request for assistance with property taxes. Claimant testified that she submitted an application for SER on or about December 29, 2012 seeking assistance with her property taxes and that on March 21, 2013 she received a SER Decision Notice informing her that her application had been denied because the Department determined that her shelter was not affordable.

Housing affordability is a condition of eligibility for SER benefits for assistance with home ownership, such as property taxes. ERM 207; ERM 304. In order to determine whether the Claimant's housing is affordable, the Department must multiply the group's total net countable income by seventy-five percent. ERM 207 (April 2011), p. 1. If an SER group does not have sufficient income to meet their total housing obligation, the application will be denied. ERM 207, p. 1.


In determining Claimant's total net countable income, the Department must consider the gross earnings from employment that Claimant will receive or is expected to receive during the 30 day countable period beginning on the date the SER application is received by the local office. ERM 206 (October 2011), p. 1.

At the hearing, the Department testified that because Claimant does not have any net countable income and she is not employed, that she is unable to meet her total housing obligation. Claimant testified that on her application she did not list any sources of income and that she was not employed at the time of application nor was she employed during the months of November 2012 and December 2012. Claimant stated that she sometimes receives nominal amounts of money to cover expenses; however, this information was not provided to the Department prior to the hearing. Claimant testified that on her application, she indicated that she has housing expenses for water, gas and electric as well as property taxes.

Under the facts in this case, where Claimant confirmed that her income is \$0.00, the Department did act in accordance with Department policy when it determined that Claimant's shelter was not affordable and denied her application for SER assistance with property taxes, as Claimant does not have sufficient income to meet her total housing obligations and reported expenses. ERM 207, p.1. As such, the Department's SER decision is AFFIRMED.

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 in accordance with Department policy when it denied Claimant's application for SER assistance with property taxes. Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: July 17, 2013

Date Mailed: July 17, 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:

