

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201346234
Issue No.: 5025; 2000
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Saginaw

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 July 11, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist, [REDACTED] and Family Independence Manager, [REDACTED].

ISSUE

Did the Department properly deny Claimant's request 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 April 2, 2013, Claimant applied for SER assistance with [REDACTED] [REDACTED]
2. On April 11, 2013, the Department sent notice of the application denial to Claimant.
3. On April 26, 2013, the Department received Claimant's hearing request, protesting the SER denial.

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

The hearing packet contained the Claimant's request for a Medical Assistance hearing. However, the uncontested testimony during the hearing was that the issue had long since been resolved and the only issue at the hearing was the denial of SER assistance. Therefore, the Medical Assistance hearing request is hereby dismissed.

Per ERM 103 (2007) p. 2, as a condition of eligibility for SER benefits the SER payment must resolve the emergency. Additionally, ERM 304 (2007) addresses assistance to prevent a loss of a home due to non-payment of property taxes and fees. ERM 304, p. 4 requires that no payment of property taxes be made until the Claimant provides a notice scheduling a judicial foreclosure hearing. In this case, there is no scheduled judicial foreclosure hearing because the Claimant resolved her emergency by obtaining an extension to pay her [REDACTED] [REDACTED] from the [REDACTED] [REDACTED] [REDACTED] Specialist. The uncontested testimony is that the Claimant now has until March 31, 2014 to pay her [REDACTED] [REDACTED]. The Claimant resolved her own emergency and as no emergency exists any longer, she is simply not eligible for SER. During the hearing, the Claimant became upset because she testified that she has been seeking departmental assistance with her delinquent taxes since December of 2012 when she was then denied for SER. That issue is not before the Administrative Law Judge and is therefore not addressed.

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 for assistance with delinquent 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 did act properly. did not act properly.

Accordingly, the Department's decision is **AFFIRMED** **REVERSED** for the reasons stated on the record.

/s/ _____
Susanne E. Harris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/12/13

Date Mailed: 7/15/13

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

SEH/tb

cc:

