

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

IN THE MATTER OF:

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

Reg. No.: 2013-37490
Issue No.: 5012
Case No.: ██████████
Hearing Date: June 26, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

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 or about January 5, 2013, Claimant applied for SER assistance with shelter emergency.
2. On January 15, 2013, the Department sent notice of the application denial to Claimant.
3. On March 22, 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, Rule

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

Additionally, in this case Claimant applied for emergency relief to help with two emergencies, utilities and taxes. At the time he applied, Claimant had no income. Dept. Exh. 1, p. 2 (reverse side).

With regard to utilities, the Department approved Claimant for utility assistance. *Id.*, p. 3. Claimant's requirements, in order to receive utility assistance, was to make co-payments by February 5, 2013, to the utility companies, and present proof of payment to the Department. *Id.* The Claimant did not fulfill the requirements, and the time period for assistance elapsed.

At the hearing the Claimant did not dispute the Department's action with regard to utility assistance, and instead sought to bring a change of circumstances to the Department's attention. As there is no dispute that the Department acted correctly at the time, the Department's action with regard to utility assistance is affirmed. Department of Human Services Emergency Relief Manual (ERM) 301 (2013).

Next, with regard to SER assistance with property taxes, Emergency Relief Manual (ERM) 304, "Home Ownership," requires that emergency assistance is available only when there is a mortgage foreclosure, land contract forfeiture, tax foreclosure or sale, or a court-ordered eviction or repossession from a mobile home. Department of Human Services Emergency Relief Manual (ERM 304 (2012), P. 1.

Applying ERM 304 to the facts of this case, it is found and determined that Claimant was not in any of these situations with regard to property taxes. Dept. Exh. 1, p. 2 (reverse side). Accordingly, the Department was correct in denying Claimant emergency relief with regard to property tax assistance. Although the Department stated a different reason for the denial in the State Emergency Relief Decision Notice, the Department's error is a harmless one and a reversal of the Department's correct decision is not required.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied improperly denied
Claimant's SER application for assistance with shelter emergency.

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. did not act properly.

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



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 28, 2013

Date Mailed: July 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 affect the substantial rights of the claimant,
 - 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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