

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

IN THE MATTER OF:

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Reg. No.: 2014 9940
Issue No.: 5001
Case No.: ██████████
Hearing Date: January 21, 2014
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 January 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included ██████████ ES.

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 October 11, 2013, Claimant applied for SER assistance with shelter emergency seeking assistance with his property taxes.
2. On October 17, 2013, the Department sent Claimant a SER Decision Notice denying the application.
3. On October 28, 2013, the Department received Claimant's hearing request, protesting the SER denial.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Additionally, home ownership services for property taxes and fees are available to save a home threatened with loss due to tax foreclosure or sale. ERM 304 (March 2013), p 1. In this case, Claimant applied on October 11, 2013 for SER assistance with property taxes. In an October 17, 2013 SER Decision Notice, the Department denied Claimant's application for the stated reason that Claimant's housing was not affordable. Citing ERM 207. Exhibit 2. At the hearing, the Department acknowledged that it had not assessed the affordability of Claimant's housing and testified that his application was actually denied because his outstanding balance for overdue property taxes exceeded \$2000. Exhibit 1.

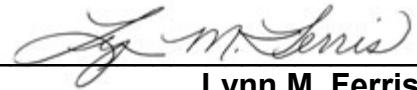
For cases involving SER assistance with tax arrearages, "the total amount of tax arrearage for **all** years may not exceed \$2,000." ERM 304, p 4 (10/1/13), (emphasis in original). The "total tax arrearage amount" is defined in policy as "the total for every year combined, not just for the tax years which assistance is being requested." ERM 304, p 5.

In this case, the Tax Statement dated September 2013 submitted by the Claimant with his application for SER assistance to the Department indicated that Claimant owed a total of \$9,284.40 for property taxes, consisting of \$772.00 for 2009 forfeited real property tax, \$3,268 for 2010 forfeited real property tax, and \$2,917 for 2011 forfeited real property tax, and \$2,038.04 "pre-delinquent tax." Exhibit 1. Because the Department was required to consider the total tax arrearage amount and this would include the amounts due for, at a minimum, 2009 and 2010, and this arrearage amount totaled more than \$2000, the Department acted in accordance with Department policy when it denied Claimant's SER application. The Department's Decision notice was incorrect and cited ERM 207 instead of ERM 304; however, the error is harmless as the result is correct due to the taxes exceeding the \$2,000 limit.

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 acted in accordance with Department policy when it denied Claimant's October 11, 2013, SER application.

Accordingly, the Department's decision is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2014

Date Mailed: February 11, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]