

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

IN THE MATTER OF:



Reg. No.: 201434242
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: April 30, 2014
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on April 30, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application for assistance with property taxes?

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 February 27, 2014, Claimant applied for SER assistance with property tax arrearage.
2. On March 10, 2014, the Department sent Claimant a SER Decision Notice denying the application.
3. On March 14, 2014, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

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 (October 2013), pp. 1, 4. 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 (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, Claimant requested assistance in her February 27, 2014 SER application for property tax arrearage totaling \$1930.36. The documentation Claimant submitted with her application showed that she owed a total of \$4,777.55 for property taxes, consisting of \$1930.36 for the 2011 tax year (after she made an \$1100 payment on February 27, 2014) and \$2847.19 for the 2012 tax year. Because the total tax arrearage amount for all years combined exceeded \$2000, the Department acted in accordance with Department policy when it denied Claimant's SER application.

At the hearing, Claimant explained that she only requested assistance only for the \$1930.36 owed for 2011 because she anticipated receiving assistance from Step Forward, an organization which assists homeowners facing foreclosure, for payment of all amounts due for tax arrearages for any years after 2011. However, Claimant did not advise her worker until after she received the denial of her SER application that she anticipated assistance from a third party. Also, although Claimant contended that she was eligible for assistance from Step Forward, she acknowledged that as of the hearing date she only had a denial letter from the organization. Claimant should also be aware that the Department may issue payment for SER assistance only if the issuance amount will resolve the emergency. ERM 304, p. 5; ERM 103 (October 2013), p. 3. Therefore, the Department would be able to provide SER assistance to Claimant if the \$1930.36 requested would address all outstanding tax arrearages at the time it made payment.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's February 27, 2014 SER application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 16, 2014

Date Mailed: May 16, 2014

NOTICE OF APPEAL: 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.

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).

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

ACE/tlf

2014-34242/ACE

cc:

