

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

IN THE MATTER OF:



Reg. No.: 14-008871
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: October 21, 2014
County: Wayne-District 19

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 October 21, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted a State Emergency Relief (SER) application requesting assistance with her property taxes.
2. On July 29, 2014, the Department notified the Claimant that it had denied her State Emergency Relief (SER) application.
3. On August 4, 2014, the Department received the Claimant's request for a hearing, protesting the denial of her State Emergency Relief (SER) application.

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 Mich Admin Code, R 400.7001 through R 400.7049.

The State Emergency Relief (SER) program helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the benefit group in the foreseeable future. Benefits are available to prevent home loss due to a property tax sale. Department of Human Services Emergency Relief Manual (ERM) 304 (October 1, 2013), pp 1-7.


The Claimant applied for State Emergency Relief (SER) benefits for assistance with her property taxes after a \$ [REDACTED] delinquent bill was added to her property tax obligation. On July 29, 2014, the Department notified the Claimant that it had denied her State Emergency Relief (SER) application because the Claimant had failed to establish that her home was subject to forfeiture due to a property tax sale.

In the alternative, if the Department had evaluated the Claimant's application as a request for assistance with a utility bill, State Emergency Relief (SER) is available only to restore or prevent shut off of a utility service specified when service is necessary to prevent serious harm to benefit group members. Department of Human Services Emergency Relief Manual (ERM) 302 (October 1, 2013). In this case, the Claimant failed to establish that her home was subject to having water service shut off due to the delinquent bill.

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 the Claimant's State Emergency Relief (SER) application because the Claimant failed to establish an emergency as defined by the Department's Emergency Relief Manual (ERM).

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.


Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/23/2014**

Date Mailed: **10/23/2014**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

