

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-28511
Issue No(s): 5001
Case No.: [REDACTED]
Hearing Date: April 16, 2014
County: Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 16, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. 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 home ownership services?

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 January 21, 2014 Claimant applied for SER for home ownership services, specifically based on a sheriff sale.
2. On January 21, 2014, Claimant filed a request for hearing, in part contesting a Department action regarding SER.
3. On January 23, 2014, a SER Decision Notice was issued to the Claimant stating the SER request was denied because her home was not subject to tax sale.

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 include: house payments (mortgage, land contract payment or mobile home sales contract), including principal and interest, legal fees and escrow accounts for taxes and insurance; property taxes and fees; mobile home lot rent for owners or purchasers of mobile homes; house insurance premiums that are required pursuant to the terms of a mortgage or land contract; energy-related home repairs; non-energy-related home repairs. ERM 304.

Home ownership services payments are only issued to save a home threatened with loss due to: mortgage foreclosure; land contract forfeiture; tax foreclosure or sale; court-ordered eviction of a mobile home from land or a mobile home park; repossession for failure to meet an installment loan payment for a mobile home. ERM 304.

In this case, Claimant indicated she did not have access to a copier to provide documentation of the sheriff's sale on the January 21, 2014 SER application. Accordingly, that same date, January 21, 2014, a Department worker contacted the county treasurer's office. The county treasurer's office stated Claimant owes \$0 in taxes and the house is not up for foreclosure. The Department worker then tried to contact the Claimant, but her phone number was disconnected. Accordingly, on January 23, 2014, a SER Decision Notice was issued to the Claimant stating the SER request was denied because her home is not subject to tax sale.

Claimant testified that the information the county treasurer's office reported to the Department was in error. Rather, the sheriff's sale notice had been posted on her door, Claimant just did not have the ways and means to provide a copy with her January 21, 2014 SER application. The sheriff's sale did occur on January 24, 2014. Claimant has six months to re-deem the property.

Based on the information available to the Department at the time the January 21, 2014 SER application was filed and processed, Claimant's request for SER was properly denied because there was no evidence of a tax foreclosure or sale. Claimant was unable to provide documentation with the SER application and a call to the county treasurer's office indicated Claimant did not owe any taxes and the house was not up for foreclosure.

If she has not already done so, Claimant may wish to re-apply for SER. As discussed during the April 16, 2014 hearing proceedings, even if accurate verification of the tax sale is provided, the Department will still have to consider all of the other SER eligibility criteria.

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 January 21, 2014 SER application for homeowners assistance.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 5, 2014

Date Mailed: May 5, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

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CL/hj

cc:

