

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

IN THE MATTER OF:



Reg. No.: 15-011057
Issue No.: 5001, 2000
Case No.: [REDACTED]
Hearing Date: August 20, 2015
County: WAYNE-DISTRICT 76

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 20, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Assistance Payments Worker and [REDACTED], Assistance Payments Supervisor and Hearing Facilitator.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER) Application for property tax 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 withdrew his request for hearing based upon the Department's denial of his application for Medical Assistance on the record at the hearing.
2. The Claimant filed an application for property tax assistance on [REDACTED].
3. The Claimant provided a tax statement relied upon by the Department that indicated that for the tax year 2012 taxes of \$1877.49 were owed; for tax year 2013 \$1365.61 in taxes were owed and for tax year 2014 \$1,029.51 were owed. The total arrearage was \$4, 272.61. Exhibit 2.

4. The Department issued an SER Decision Notice on [REDACTED], denying the Claimant's application for the reason the past due taxes exceeded \$2000. Exhibit 3
5. On [REDACTED] the Claimant requested a hearing protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, the Department denied the Claimant's SER application requesting property tax assistance based upon the total tax arrearage for his home exceeding \$2,200. Exhibit 3. Based upon the tax arrearage information, which was not in dispute, as the Claimant's testimony at the hearing confirmed the taxes were due, the Claimant had outstanding taxes owing in the amount of \$4272.61. Exhibit 2. Department policy found in ERM 304 provides the following with regard to eligibility for tax assistance:

Issue Home Ownership Services payments only to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, or court ordered eviction of a mobile home from land or a mobile home park. Issue home repair payments only if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition. **SER does not pay for improvements or nonessential repairs.**

In addition, **all** of the following conditions must be met (unless specified for a particular service):

- The total amount of tax arrearage for **all** years does not exceed \$2,000. (This only applies to home ownership for taxes.) Pay only the minimum amount required to resolve the tax emergency. Do not pay until loss of the home is imminent; see Verification below.

Note: The total tax arrearage amount is the total for every year combined, not just for the tax years which assistance is being requested. ERM 304 (October 1, 2013, p. 4-5.

The Claimant sought assistance for the tax year 2012, however, even though the amount was under the maximum limit of \$2000, the total amount of the tax arrearages exceeded \$2000 and thus it is determined that the Department correctly denied the Claimant's SER application for property tax assistance. The Department policy clearly requires that all tax year arrearages must be considered.

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 application for SER property tax assistance.

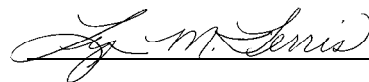
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Claimant's request for a hearing dated [REDACTED] based upon the Claimant's withdrawal on the record regarding Medical Assistance is hereby confirmed as withdrawn.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

The request for hearing regarding Medical Assistance is **WITHDRAWN**.
It is so **ORDERED**.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/25/2015**

Date Mailed: **8/25/2015**

LMF / hw

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 copy of

the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

