

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

IN THE MATTER OF:

██████████
██████████
██████████████████

Reg. No.: 15-001552
Issue No.: 5001
Case No.: ██████████
Hearing Date: March 26, 2015
County: Macomb-District 20 (Warren)

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 March 26, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny Claimant's January 8, 2015, application for State Emergency Relief (SER) benefits?

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 8, 2015, Claimant applied for SER assistance with mortgage, property taxes, homeowner's insurance premium, electricity, water, and gas.
2. On January 12, 2015, the Department sent Claimant a SER Decision Notice denying the application.
3. On January 16, 2015, Claimant requested a 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 Mich Admin Code, R 400.7001 through R 400.7049.

Claimant requested SER assistance with mortgage, property taxes, homeowner's insurance premiums, electricity bills, gas bills, and water bills. At the hearing, Claimant testified that she had resolved the issues concerning her outstanding water, gas, and electricity bills and wished to pursue the hearing only concerning amounts owed to her mortgage company. Claimant explained that her mortgage, property taxes, and homeowner's insurance premiums expenses were all paid to her mortgage company.

The Department testified that Claimant's SER application for mortgage, property tax and homeowner's insurance premiums was denied because Claimant's housing was not affordable. SER assistance is available for home ownership services, which includes assistance with mortgage payments, property taxes and fees, and house insurance premiums. ERM 304 (October 2013), p. 1. Housing affordability is a condition of eligibility for SER benefits for home ownership services. ERM 304, p. 4; ERM 207 (March 2013), p. 1. Exceptions to the affordability requirement are available only to clients who have vouchers from the Homeless Assistance Recovery Program (HARP), Transitional Supportive Housing Leasing Assistance Program (TSHLAP), Transition In Place Leasing Assistance Program (TIPLAP), Rapid Re-Housing Leasing Assistance, or Temporary Basic Rental Assistance (TBRA) funded by MSHDA. ERM 207, pp. 1-2. Because there was no evidence presented that Claimant had one of these vouchers, Claimant's SER application was subject to meeting the housing affordability requirement.

Housing is affordable if the SER group's total housing obligation does not exceed 75% of the group's total net countable income. ERM 207, p. 1. Total housing obligation means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. ERM 207, p. 1.

In this case, Claimant confirmed on the record that her household had no income when she applied for SER assistance on January 8, 2015 and no income between the date of application and February 7, 2015, the 30 day countable income period. See ERM 206 (October 2013), p. 1. At the time of application, Claimant was responsible for, and seeking assistance with, her mortgage payments; which included property taxes and

home insurance policy premiums. Because Claimant had shelter expenses but no income at the time of her SER application, her housing was not affordable.

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 8, 2014 SER application for assistance with mortgage, property taxes and homeowner's insurance premiums because the housing was not affordable.

DECISION AND ORDER

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



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/30/2015**

Date Mailed: **3/31/2015**

ACE / tlf

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 48909-8139

CC:

[REDACTED]
[REDACTED]
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