

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

IN THE MATTER OF:



Reg. No.: 15-002492
Issue No.: 5007
Case No.: [REDACTED]
Hearing Date: April 30, 2015
County: MACKINAC

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 April 30, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included the Claimant, Daniel Bigger and his Authorized Hearing Representative (AHR), [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist, [REDACTED] and Assistance Payments Supervisor, [REDACTED].

ISSUE

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

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 27, 2015, the Claimant filed an application for SER for assistance with back property taxes. On that application, the Claimant reported that he had no income.
2. On January 27, 2015, the Department sent the Claimant a SER Decision Notice informing the Claimant that his application had been denied as his shelter was not affordable.
3. On February 9, 2015, the Department received the Claimant's written hearing request protesting the denial of his application for SER.

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 uncontested facts are that the Claimant reported on his Assistance Application that he had no income. At that time, the Claimant had approximately \$2000 in back property taxes and he would continue to incur property tax obligations. As such, and because the Claimant had no income, the Department determined that the Claimant's housing was not affordable. Emergency Relief Manual 207 (2013) p. 1, provides that a Department worker is to authorize SER services only if the SER group has sufficient income to meet ongoing housing expenses. Therefore, the Administrative Law Judge concludes that the Department properly determined that the Claimant would not be able to afford his ongoing property taxes and did therefore properly deny the Claimant's Assistance Application for SER.

During the hearing, there was much testimony regarding the Claimant having been given a poverty exemption for his property taxes and he now no longer has an ongoing obligation for property taxes, but rather he only owes a portion of the [REDACTED] that he owed previously. During the hearing, the Claimant's AHR testified that the Claimant actually does have income though he reported he did not on his Assistance Application. The Claimant AHR was informed that this Administrative Law Judge's jurisdiction is to examine whether or not the Department acted in accordance with departmental policy at the time the Department took action to deny the Claimant's application for SER. This Administrative Law Judge understands that the Claimant's circumstances have changed since the initial denial. The Claimant's AHR was informed that the Claimant could reapply based on his change in circumstances.

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 took action to deny the Claimant's application for SER benefits.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/5/2015**

Date Mailed: **5/5/2015**

SEH/sw

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:

