

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

IN THE MATTER OF:

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MAHS Reg. No.: 15-021485
Issue No.: 5001
Agency Case No.: ██████████
Hearing Date: February 01, 2016
County: Wayne-District 15

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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 February 1, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department was represented by ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) assistance with property taxes?

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 or around September 23, 2015, Petitioner applied for SER assistance with paying her 2014 property taxes.
2. On September 24, 2015, the Department sent Petitioner a SER Decision Notice informing her that the Department would pay \$1408.29 towards her total \$1547.29 request for assistance provided that Petitioner show verification that she made her \$139 copayment by October 22, 2015. (Exhibit A)
3. Petitioner provided the Department with verification that she made her \$139 required copayment. (Exhibit 1)
4. On October 1, 2015, the Department sent Petitioner a Quick Note informing her that a correction had been made to her SER application and that the application

was now denied on the basis that her property taxes have to be in foreclosure status, per Department policy. (Exhibit B)

5. On November 10, 2015, Petitioner requested a hearing disputing 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.

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide a safe shelter for the SER group in the foreseeable future. ERM 304 (October 2015), p. 1. Property taxes and fees are considered covered home ownership services for SER purposes and payments are only issued to save a home threatened with loss due to tax foreclosure or sale. ERM 304, p. 1. Verification of a property tax sale requires a statement from taxing authority verifying total tax arrearage and a notice scheduling a judicial foreclosure hearing, which occurs one year after forfeiture—generally in February. ERM 304, pp. 6-7. ERM 304 further notes that, first, taxes become delinquent. Then, a year later, forfeiture occurs and interest and fees increase. One year later, a circuit court hearing is held and foreclosure occurs. Payment of property taxes may be made once the client provides a notice scheduling the judicial foreclosure hearing. ERM 304, pp. 6-7.

In this case, the Department testified that while it sent Petitioner a SER Decision Notice approving her request for assistance with her 2014 property taxes, it was unable to certify its Department payment, as it was discovered that Petitioner's taxes were still in delinquency status and not foreclosure or sale status as required by Department policy. The Department sent Petitioner a Quick Note advising her that it could not make the payment towards her property taxes as previously indicated. (Exhibit A; Exhibit B). At the hearing, Petitioner did not dispute the Department's testimony that her 2014 property taxes were not yet in foreclosure status and the Tax Statement provided by Petitioner at the hearing shows that the 2014 taxes on her home are in delinquency status. No other tax years are listed on the Tax Statement as delinquent or in foreclosure status. (Exhibit 1). There was also no evidence presented that Petitioner provided the Department with a notice scheduling a judicial foreclosure hearing.

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 Petitioner's request for SER assistance with property taxes.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **2/5/2016**

Date Mailed: **2/5/2016**

ZB / 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 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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]