



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 25, 2016
MAHS Docket No.: 16-001012
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on March 23, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED] and her daughter [REDACTED] [REDACTED] (Eligibility Specialist) represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included [REDACTED] (Assistance Payments Supervisor).

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Petitioner's State Emergency Relief (SER) application?

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, 2016, the Department received the Petitioner's State Emergency Relief (SER) application requesting assistance with a delinquent property tax bill.
2. The Petitioner provided the Department with a document showing an overdue property tax obligation totaling \$ [REDACTED]
3. On January 21, 2016, the Department notified the Petitioner that it had denied her State Emergency Relief (SER) application.
4. On January 29, 2016, the Department received the Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) application.

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 safe shelter for the SER group in the foreseeable future. The lifetime home ownership services maximum is \$2,000. The life-time maximum is the combined cumulative total of all home ownership service payments. The total amount of tax arrearage for all years does not exceed \$2,000. The Department will pay only the minimum amount required to resolve the tax emergency and will not pay until loss of the home is imminent. The total tax arrearage amount is the total for every year combined, not just for the tax years which assistance is being requested. Department of Health and Human Services Emergency Relief Manual (ERM) 304 (October 1, 2015), pp 1-8.

On January 21, 2016, the Department received the Petitioner's SER application requesting assistance with a delinquent property tax bill. The Petitioner provided the Department with a [REDACTED] from showing a total tax obligation of \$ [REDACTED]. Since the amount necessary to avoid forfeiture was over \$2,000, the Department denied the Petitioner's application.

The Petitioner argued that the amount necessary to avoid forfeiture was less than \$2,000 because the overdue property taxes in 2014 would not result in forfeiture if only the 2013 property tax obligation was satisfied.

However, the Department will not approve a SER application where those benefits would not resolve the emergency. In this case, if the Department were to pay only a portion of the overdue property taxes, it would only delay the forfeiture but still leave her in jeopardy of losing her home. Therefore, Department policy requires that all overdue property taxes from all years be considered when determining whether the benefits exceed the lifetime maximum and in this case they do.

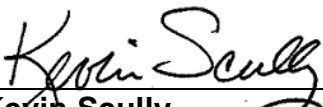
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Petitioner's State Emergency Relief (SER) application.

Although the Petitioner requested a hearing concerning SER and the Food Assistance Program (FAP), FALP benefits were not disputed during the hearing.

DECISION AND ORDER

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

KS/las



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]