



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 27, 2017
MAHS Docket No.: 17-002334
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, an in-person hearing was held on March 21, 2017, from Kalamazoo, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's 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 31, 2017, the Department received Petitioner's State Emergency Relief (SER) application requesting assistance with his property taxes, heating bill, and electric bill. Exhibit A, pp 3 – 6.
2. Petitioner reported to the Department that he had make one payment of \$ [REDACTED] towards his heating and electric obligation in the past six months. Exhibit A, p 7.
3. On February 6, 2017, the Department notified Petitioner that his State Emergency Relief (SER) application had been approved with a \$ [REDACTED] co-payment towards his electricity bill, and a \$0 co-payment towards his heating bill. Exhibit A, p 10.

4. On February 6, 2017, the Department notified Petitioner that his request for assistance with his property taxes had been denied. Exhibit A, pp 10-11.
5. On February 9, 2017, the Department received Petitioner's request for a hearing protesting the denial of his State Emergency Relief (SER) application. Exhibit A, p 2.

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.

On January 31, 2017, the Department received Petitioner's State Emergency Relief (SER) application requesting assistance with property taxes, heating expenses, and electric expenses.

To be eligible for energy service assistance, a SER group must make required payments toward their energy service. The required payment amounts are based on the group size and service. The energy required payment period is the six-month period prior to the month the SER group applies for assistance, regardless of previous approvals. It applies even if the client has never requested or received SER energy services in the past six-months. Energy required payments are met if the amounts paid by the group for heating fuel and/or electricity equal or exceed the table amounts for the required payment period. Required payments must be met for each month the SER group has an obligation to pay for the service. Failure to make required payment may result in a shortfall. For a group of one, the total monthly required payment for energy payments is \$█ Department of Health and Human Services Emergency Relief Manual (ERM) 301 (February 1, 2017), pp 6-7.

As a group of one, Petitioner was required to pay at least \$█ per month towards his energy bills. Petitioner reported to the Department that he had paid \$█ towards his electric bill in the past six months. The Department determined that this resulted in a \$█ short fall in the required payments, which was determined by multiplying \$█ by six months, then subtracting the \$█ payment made by Petitioner. On February 6, 2017, the Department approved Petitioner for SER benefits contingent on his payment of a \$█ co-payment resulting from his payment shortfall as directed by EMR 301.

This Administrative Law Judge finds that the Department was acting in accordance with policy when it determined Petitioner's eligibility for SER benefits with respect to the assistance he requested with his electric bill.

Petitioner also requested assistance to avoid foreclosure of his home due to unpaid property taxes.

Home ownership services payments are only issued to save a home threatened with loss due to:

- Mortgage foreclosure.
- Land contract forfeiture.
- Tax foreclosure or sale.
- Court-ordered eviction of a mobile home from land or a mobile home park.
- Repossession for failure to meet an installment loan payment for a mobile home.

Department of Health and Human Services Emergency Relief Manual (ERM) 304 (October 1, 2015), pp 1-2.

The Department may issue SER benefits where the total amount of tax arrearage for all years does not exceed \$ [REDACTED]. The Department will pay only the minimum amount required to resolve the tax emergency and only where 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. ERM 304, p 5.

In this case, Petitioner requested \$ [REDACTED] to avoid foreclosure of his home due to unpaid property taxes. The amount Petitioner requested was not the full amount of his unpaid property tax obligation and payment of this amount would not resolve Petitioner's emergency because it would leave an unpaid tax obligation. Petitioner's total tax obligation exceeded \$ [REDACTED]. Therefore, the Department denied Petitioner's request for assistance with his property tax obligation as directed by ERM 304.

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 determined Petitioner's eligibility for State Emergency Relief (SER) benefits requested on his January 1, 2017, application.

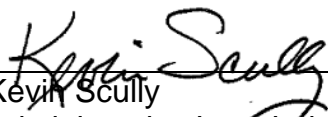
DECISION AND ORDER

The Department's determination of Petitioner's eligibility for State Emergency Relief (SER) for energy services contingent on a \$ [REDACTED] co-payment for his electricity bill is **AFFIRMED**.

The Department denial of State Emergency Relief (SER) benefits for petitioner's unpaid property taxes is **AFFIRMED** because he does not meet the criteria for those benefits.

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

KS/nr



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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]