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GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: May 10, 2017
MAHS Docket No.: 17-002197
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 ██████████, from Detroit, Michigan. Petitioner appeared and was unrepresented. ██████████, Petitioner's friend, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by ██████████, manager, and ██████████, specialist.

ISSUE

The issue is whether MDHHS properly denied 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 ██████████, MDHHS paid ██████████ towards Petitioner's property taxes as part of Petitioner's request for SER.
2. On an unspecified date, Petitioner reapplied for SER to assist with property taxes.
3. On ██████████, MDHHS denied Petitioner's SER application due to Petitioner's previous receipt of home ownership services.

4. On [REDACTED], Petitioner requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by MDHHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049. MDHHS policies are contained in the Services Emergency Relief Manual (ERM).

MDHHS presented a State Emergency Relief Decision Notice (Exhibit 1, pp. 1-2) dated [REDACTED]. The notice informed Petitioner of a denial of SER due to Petitioner meeting lifetime cap limits.

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. ERM 304 (October 2015), p. 1. Home ownership services payments are...issued to save a home threatened with loss due to... tax foreclosure or sale... *Id.*

The lifetime home ownership services maximum is [REDACTED]. *Id.*, p. 2. The lifetime maximum is the combined cumulative total of all home ownership service payments. *Id.* Payments are applied to the cap of the client. *Id.* Bridges maintains a record of the lifetime home ownership services payments since [REDACTED]. *Id.*

MDHHS presented a Benefit Summary Inquiry (Exhibit 1, p. 6). The document listed a payment to Petitioner of [REDACTED] for "Property Taxes" on [REDACTED].

Petitioner testified he could not confirm that the payment was made, though he acknowledged that "someone" paid his taxes for him from approximately [REDACTED].

It is found that Petitioner received [REDACTED] in the past for property tax payment. The finding appears to justify a denial of Petitioner's SER application due to Petitioner already receiving the lifetime limit of SER for home ownership services. Petitioner raised other arguments despite receiving the lifetime cap for home ownership services.

Petitioner testified he was a taxpayer, and therefore, entitled to receive assistance; Petitioner testified he last paid income taxes in [REDACTED]. MDHHS policies do not factor a person's previous tax payments in SER application denials based on meeting lifetime limits.

Petitioner testified he is disabled, and therefore, entitled to assistance. MDHHS policies do not factor a person's medical condition in SER application denials based on meeting lifetime limits.

Petitioner contended that MDHHS policies cannot supersede his rights to life, liberty and the pursuit of happiness. The denial of Petitioner's application does not appear to violate any constitutional rights of Petitioner, though such a finding would ultimately have to be adjudicated by a federal court.

It is found that MDHHS determined that Petitioner was ineligible for SER due to meeting lifetime limit caps for home ownership services. Accordingly, the denial of Petitioner's SER was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application for home ownership services on [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki

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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]