



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: December 21, 2018  
MAHS Docket No.: 18-011804  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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; 42 CFR 438.400 to 438.424; 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 December 19, 2018, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly deny Petitioner's [REDACTED], 2018 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 [REDACTED] 2018, Petitioner applied for SER benefits seeking assistance with payment of past due property taxes.
2. Petitioner did not provide a copy of the Notice of Judicial Foreclosure Hearing.
3. On October 24, 2018, the Department sent Petitioner a SER Decision Notice which notified Petitioner that her application for SER benefits had been denied for failing to submit the Notice of Judicial Foreclosure Hearing.
4. On November 8, 2018, Petitioner filed a Request for 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.

Additionally, under Department policy relating to a property tax sale, the following verification is required:

- Statement from taxing authority verifying total tax arrearage, **and**
- Notice scheduling a judicial foreclosure hearing. This occurs one year after forfeiture -- generally in February. ERM 304 (October 2018), pp. 6-7.

The policy also 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. *Id.*

In this case, the Department testified that it denied Petitioner's SER application because she failed to provide a copy of the Notice of Judicial Foreclosure Hearing. Petitioner testified that she had a Notice of Judicial Foreclosure Hearing at the time of the hearing. However, the document Petitioner read during the hearing was dated in 2017. Additionally, Petitioner testified that she did not provide the document to the Department prior to the denial of her SER application. Petitioner provided documents for admission into the record that were dated November 14, 2018. Presumably, Petitioner received these documents after she filed her request for hearing on November 8, 2018. Page 3 of the documents provided by Petitioner contained a reference to "NOTICE OF JUDICIAL FORECLOSURE HEARING" and states as follows:

A Judicial Foreclosure Hearing will be held before [REDACTED] in the Wayne County Circuit Court, 701 Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, Michigan 48226. The scheduled date and time for the February Judicial Foreclosure Hearing can be found on the NOTICE OF SHOW CAUSE HEARING, JUDICIAL FORECLOSURE HEARING AND REQUEST FOR PAYMENT sheet included in this packet.

However, the packet admitted into the record did not include the actual Notice of Judicial Foreclosure Hearing. If Petitioner is able to locate **the** actual Notice of Judicial Foreclosure Hearing which should have been contained in the packet or obtain a duplicate copy from the court, she can immediately reapply for SER benefits. It is found

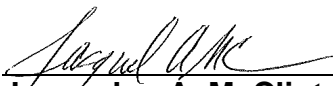
that the Department properly denied Petitioner's application for SER benefits as she failed to submit the required documentation.

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 [REDACTED], 2018 application for SER benefits.

**DECISION AND ORDER**

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

JAM/tlf



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**Jacquelyn A. McClinton**  
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) 763-0155; 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

**Via Email:**

[REDACTED]

**Petitioner – Via First-Class Mail:**

[REDACTED]