



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 30, 2019
MOAHR Docket No.: 19-009790
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 October 28, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator. During the hearing, a 22-page packet of documents was offered and admitted as Exhibit A, pp. 1-22.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) benefits to help pay her property tax arrearages?

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], 2019, Petitioner submitted to the Department an application for SER benefits to help her pay her property tax arrearages, which totaled \$6,256.41. Exhibit A, pp. 5; 12-22.
2. On September 6, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her SER application was denied. Exhibit A, pp. 10-11.
3. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department denial of her application for SER benefits.

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.

Petitioner's [REDACTED] 2019 application for SER benefits was denied via a September 6, 2019 State Emergency Relief Decision Notice. The denial was based on the fact that the total tax arrearage (\$6,256.41) was above the program 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 2018), p. 1. Home ownership services payments will only be issued to save a home threatened with loss due to: (1) mortgage foreclosure; (2) land contract foreclosure; (3) tax foreclosure or sale; (4) court-ordered eviction of a mobile home from land or a mobile home park; or repossession for failure to meet an installment loan payment for a mobile home. ERM 304, pp. 1-2. The Department does not authorize SER payments if the total amount of tax arrearage for all years exceeds \$2,000. ERM 304, p. 5.

In this case, the amount of Petitioner's total tax arrearage required the Department to deny the application. Petitioner's application included tax documentation showing that Petitioner's property tax arrearage was substantially greater than \$2,000. Thus, the Department had no option but to deny Petitioner's application.

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 SER application.

DECISION AND ORDER

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

JM/tm



John Markey

Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Jeanette Cowens
2524 Clark Street
Detroit, MI
48209

Petitioner



cc: SER-T. Bair; Erich Holzhausen
AP Specialist-Wayne County