



Date Mailed: March 18, 2025
Docket No.: 25-006460
Case No.: [REDACTED]
Petitioner: [REDACTED]

LIONEL PHILLIPS
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MUSKEGON, MI 49442

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি উকুমেন্ট। দয়া করে কেউ দ্রাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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 hearing was held via telephone conference on March 12, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jennifer Wheeler, FIM. Department Exhibit 1, pp. 1-20 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for outstanding property taxes because Petitioner was not facing a foreclosure sale?

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] 2025, Petitioner applied for SER for requesting assistance for outstanding property taxes.

2. Petitioner provided a Notice of Pending Forfeiture of Property For Unpaid Real Property Taxes that gave him notice that his property would be forfeited after March 1, 2025. (Ex. 1, p.7)
3. On January 24, 2025, an SER Decision Notice was sent to Petitioner informing him that his SER application was denied because past due taxes exceeded \$ [REDACTED].
4. On January 31, 2025, Petitioner requested a hearing disputing the denial of SER.
5. On February 7, 2025, an SER Decision Notice was sent to Petitioner informing him that his SER application was denied because a tax foreclosure sale had not yet been scheduled. This second notice was sent to Petitioner because the original denial reason was incorrect.

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.

Ownership Services

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. ERM 304 (October 2024)

In this case, Petitioner applied for SER for assistance with property taxes and provided a Notice of Pending Forfeiture of Property For Unpaid Real Property Taxes that gave him notice that his property would be forfeited after March 1, 2025. Policy states that applicants are required to be threatened with loss due to tax foreclosure or sale to be eligible. Therefore, Petitioner was not eligible for SER for ownership services because he was not facing a foreclosure sale and the denial on that basis was proper and correct

and consistent with Department policy. ERM 304. If Petitioner is now facing a tax foreclosure sale and he meets the other criteria then he should reapply.

DECISION AND ORDER

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 because he was not facing a tax foreclosure sale.

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

Aaron McClinton

AARON MCCLINTIC
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, OR
- by fax at (517) 763-0155, OR
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent
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Interested Parties
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Via First Class Mail:

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