

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
c/o ██████████
Claimant

Reg. No.: 2009-11719
Issue No.: 5005
Case No.: ██████████
Load No.: ██████████
Hearing Date:
June 14, 2010
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on June 14, 2010. The Claimant was represented by her attorney, ██████████.

ISSUE

Did the Department properly deny the Claimant's application for State Emergency Relief (SER)?

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 November 11, 2008, the department received an unsigned statement of goods and services from the claimant's nursing home.
2. On November 19, 2008, the claimant's attorney applied for a SER for burial.

3. On December 5, 2008, the department sent the claimant's attorney a verification checklist, due December 15, 2008, requesting a signed and completed goods and services form. (Department exhibit 8).
4. On December 17, 2008, the claimant's attorney sent, by facsimile a completed and signed goods and services form.
5. On December 17, the department denied the claimant's SER. (Department exhibit 12).
6. On December 29, 2008, the claimant's attorney/guardian filed a request for a hearing.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seq., and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

Here, the department denied the application because the statement of goods and services originally sent to the department did not have the signature of the guardian/public administrator.

VERIFICATION

The case record must contain a "Statement of Goods and Services" or the equivalent showing an itemization of all services provided, charges and payments made or expected. It must be signed by an employee of the funeral home and the person making the SER application. Funeral providers may submit more than one invoice to cover a decedent's funeral. (ERM 306, p. 7)

This ALJ finds that the funeral home had authorization to add the public administrator's signature to the goods and services form sent to the department before the application was made. This authorization is sufficient.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to re-register the November 19, 2008, application and make its determination based on the information already submitted.



Michael J. Benmane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/25/2010

Date Mailed: 6/25/2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/jlg

cc:

