

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-5427

Issue No: 5024

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

4/22/2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 5, 2008. After due notice, a telephone hearing was held on Thursday, April 22, 2010.

ISSUE

Whether the Department of Human Services properly followed policy when it denied the Claimant's application for State Emergency Relief (SER) benefits for assistance with burial expenses?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) The Claimant applied for SER for burial expenses for her mother's funeral.
- (2) The state equalized value of the mother's home is [REDACTED]. Department Exhibit 1.
- (3) The Department denied the Claimant's request for burial expenses.

(4) The Department received the Claimant's request for a hearing on November 5, 2008, protesting the denial of her SER application.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

SER assists with burial when the decedent's estate is not sufficient to pay for burial or cremation. ERM 306. Any responsible relative may apply for ser burial benefits. The Department considers the decedent's and the responsible relative's cash and non-cash assets to determine eligibility for SER assistance. ERM 306. The Department shall deny a SER application if the total countable value of cash and non-cash assets exceeds the SER payment maximum for burials, which is \$700 for a burial with a memorial service. ERM 306.

The Claimant applied for SER assistance with the funeral costs of her mother. The mother's estate included a home with a state equalized value of [REDACTED], which exceeds the maximum SER benefit amount. The Department established that it acted in accordance with policy when it denied the Claimant's SER application for excess assets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department established that it acted in accordance with policy when it denied the Claimant's SER application for excess assets.

The Department's denial of the Claimant's SER application is AFFIRMED, it is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 30, 2010

Date Mailed: April 30, 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 60 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.

KS/vmc

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