

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-50695
Issue No.: 5005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 8, 2010
DHS County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 upon Claimant's Authorized Representative, [REDACTED], request for a hearing. After due notice, a telephone hearing was held on December 8, 2010. Claimant's Authorized Representative appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly denied Claimant's Authorized Representative's request for State Emergency Relief (SER) benefits for burial expenses?

FINDINGS OF FACT

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

1. On [REDACTED] Claimant passed away.
2. On [REDACTED], Claimant's Authorized Representative applied for SER benefits for burial expenses for Claimant.
3. The burial expenses totaled \$4,920.
4. On May 21, 2010, DHS denied SER benefits to Claimant's Authorized Representative.

5. On June 11, 2010, Claimant's Authorized Representative filed a Request for a Hearing with DHS.
6. Voluntary contributions towards burial expenses of \$1,100 have been received by Claimant's Authorized Representative.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to Michigan Compiled Laws (MCL) 400.10, *et seq.* and Michigan Administrative Code Rules 400.7001-400.7049. DHS' policies and procedures are found in the Emergency Relief Manual (ERM). ERM is available online at www.michigan.gov/dhs-manuals.

The manual item cited as authority by DHS in this case is ERM 306, "Burials." I agree with DHS that this is the applicable ERM item to use in this case. ERM 306 requires DHS to deny a burial expense request as follows:

Deny SER if contributions exceed \$4,000 OR if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution. ERM 306, p. 6.

Applying this policy to the case before me, I must add the voluntary contributions of \$1,100 and the SER maximum payment amount. ERM 306 states that the SER maximum payment amount is \$700 for a burial with a memorial service. *Id.*, p. 7.

Adding \$1,100 and \$700 together, I reach the sum of \$1,800. So, if the total cost of the burial exceeds \$1,800, I must find that DHS acted properly in this case. As the burial expenses were \$4,920, they are clearly more than \$1,800, and Claimant's Authorized Representative's SER application must be denied.

I find and conclude, therefore, that DHS is AFFIRMED. IT IS ORDERED that DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, determines and concludes that DHS is AFFIRMED in this case. IT IS ORDERED that DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 13, 2010

Date Mailed: December 14, 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 mailing 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.

JL/pf

cc:

