

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.: 20108331
Issue No.: 5005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 23, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 23, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's State Emergency Relief application?

FINDINGS OF FACT

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

- (1) Claimant applied for SER benefits on September 22, 2009, requesting burial services.
- (2) Claimant's husband died on [REDACTED] and was cremated [REDACTED].
- (3) Services were rendered and payment was made to [REDACTED] on [REDACTED], prior to the application for SER.
- (4) Claimant's application was returned because it was incomplete.
- (5) Claimant submitted a completed application on September 30, 2009.

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- (6) Claimant's application for SER was denied on October 8, 2009 because the emergency had been resolved.
- (7) Claimant requested a hearing on October 28, 2009 contesting the denial of SER benefits.

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief (SER) assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for: • Burial. • Cremation. • Costs associated with donation of a body to a medical school. The decedent's remains **must** be in Michigan. **Staff Responsibilities** Staff must clearly explain SER burial eligibility requirements and program payment limits to any person making an inquiry. This includes the requirement that the application for SER must be made within 10 calendar days of burial, cremation or donation. **Application** An application for SER burial must be made no later than 10 calendar days after the date the burial, cremation or donation takes place. ERM 306.


For burials, an application is considered current if the deceased was active on a DHS program at the time of death. If the client was only active SSI, a new DHS-1171 must be obtained if there is none in the record or if the DHS-1171 in the record is more than 12 months old. Any person who has the legal right to claim the body may be the authorized representative; see [ERM 306](#), Burials. An application for burial services must be made no later than 10 calendar days after the burial, cremation or donation takes place. ERM 103.

In the present case, Claimant applied for SER for burial services on September 22, 2009. Payment had already been made to the funeral director September 18, 2009. Therefore the Department's denial of State Emergency Relief due to the emergency being resolved is proper and correct. Claimant testified at hearing that she was unaware of the timing issues with regard to the benefit and recounted the anguish and distress she was under during this period. This Administrative Law Judge sympathizes with the Claimant's circumstances but can only review whether the Department acted in accordance with Department policy.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2010

Date Mailed: September 29, 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.

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