

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: 201033628
Issue No: 5005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 25, 2010
Muskegon 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 February 12, 2010. After due notice, a telephone hearing was held on Wednesday, August 25, 2010. The Claimant was represented at the hearing by his sister.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

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 is the named applicant on an application for SER burial benefits submitted by his sister on January 19, 2010.
2. On January 20, 2010, the Department sent the Claimant a Verification Checklist with a due date of January 27, 2010. Department Exhibit 6.
3. On January 21, 2010, the Department received verification that the Claimant's checking account had a balance of [REDACTED]. Department Exhibit 4.
4. The Department received a state of funeral expenses showing a total expense of [REDACTED]. Department Exhibit 2.

5. The Department denied the Claimant's SER application on January 21, 2010, because the client contribution amount was greater than the total need. Department Exhibits 1 & 5.
6. The Department received the Claimant's request for a hearing on February 12, 2010, protesting the denial of the 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).

The State Emergency Relief (SER) assists with burial when the decedent's estate is not sufficient to pay for burial, cremation, or the costs associated with donation of a body to a medical school. ERM 306. The Department will deny a SER application if the value of the decedent's estate is projected to equal or exceed the SER burial payment. ERM 306.

The Claimant's sister, as an authorized representative and adult relative, submitted a SER application to the Department in the Claimant's name on January, 19, 2010. The Department sent the Claimant a Verification Checklist on January 20, 2010. On January 21, 2010, the Department received verification that the Claimant's checking account had a balance of [REDACTED], and a statement of funeral expenses showing a total expense of [REDACTED]. The Department denied the Claimant's SER application on January 21, 2010, because the Client contribution amount was greater than the total need.

The Claimant's representative argued that the funeral expenses were actually higher than the statement she provided for the SER application.

The Department testified that it determined the Claimant's eligibility for SER benefits based on the Claimant's SER application and the verification document submitted by his authorized representative.

The Department has established that it acted in accordance with policy when it denied the Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

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

Date Signed: September 10, 2010

Date Mailed: September 13, 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/vc

cc:

