

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: 2010-48659
Issue No: 5005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2010
Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on September 16, 2010. Claimant's sister Shirley Dionne appeared and testified.

ISSUE

Did the Department of Human Services properly deny the application for State Emergency Relief (SER) burial services for Claimant?

FINDINGS OF FACT

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

- (1) On May 11, 2010 Claimant died. Claimant's sister, Shirley Dionne called the DHS office and spoke with the receptionist. The receptionist recorded that a call had been received from [REDACTED] [REDACTED] regarding [REDACTED] case # [REDACTED] and that an SER was mailed.
- (2) On May 14, 2010 Claimant was cremated.
- (3) On May 28, 2010 Shirley spoke to Claimant's DHS case worker by telephone. The case worker recorded that [REDACTED] informed her: Claimant had died; Claimant had been cremated; of the disposition of Claimant's assets and funeral expenses; and that [REDACTED] had an SER application that she would bring in that day.

- (4) On June 2, 2010 Shirley submitted an SER application requesting burial services for Claimant.
- (5) On June 11, 2010 the application was denied because the application had not been submitted within 10 days of the cremation.
- (6) On June 16, 2010 [REDACTED] submitted a request for 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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BURIALS

DEPARTMENT POLICY

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.

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)

In this case it is not disputed that the application was turned in more than 10 days after Claimant's cremation. [REDACTED] testified that it was turned in late because the application was addressed to her other sister who also has a DHS case and when the

mail came in for the other sister, [REDACTED] filed it with the other sister's information. [REDACTED] insists it is DHS's fault the application was not turned in on time.

The record contains documentation made by the receptionist who mailed the SER application. Claimant's name and case number were recorded as part of the telephone call. It is not believed that the receptionist would ignore the name and case number she recorded, and address the SER application to the third sister whose last name is different from Claimant or [REDACTED]. The evidence in this record does not show that failure to submit the application within required time is the fault of anyone but Shirley Dionne.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied the application for State Emergency Relief (SER) burial services for Claimant.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 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.

2010-48659/GFH

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.

GFH/alc

cc:

