

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.: 201053199
Issue No.: 5005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 2, 2010
Macomb 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 December 2, 2010. The Claimant appeared along with her sister-in-law, [REDACTED], and both testified. [REDACTED], ES 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 August 6, 2010 requesting burial services.
- (2) Claimant's husband died on July 20, 2010 and was cremated July 29, 2010.
- (3) Claimant paid for her husband's burial on July 29, 2010 with assistance from her sister-in-law [REDACTED] and others.
- (4) Claimant's application for SER was denied on August 26, 2010 because the emergency had been resolved.
- (5) The SER application was previously denied in error due to an issue related to noncooperation with the office of child support.

- (6) Claimant requested a hearing on August 20, 2010 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).

- Do not issue SER to reimburse expenses incurred or paid without prior department approval. (ERM 103).


In the present case, Claimant paid for the burial prior to applying for SER. Therefore the Department's denial of State Emergency Relief due to the emergency being resolved is proper and correct. Department policy specifically directs not to reimburse expense paid without prior Department approval. (ERM 103).

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits for burial services, and it is ORDERED that the Department's decision in

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this regard be and is hereby AFFIRMED.



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

Date Signed: December 10, 2010

Date Mailed: December 10, 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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