

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-18523
Issue No.: 5005
Case No.: [REDACTED]
Hearing Date: July 27, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Yasmin J. Elias

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 27, 2011. Claimant's daughter participated and testified. Other participants were [REDACTED], Claimant's daughter and Authorized Hearing Representative, and [REDACTED] of the Department of Human Services.

ISSUE

Did the Department of Human Services (Department) properly deny Claimant's request for State Emergency Relief (SER) assistance with burial?

FINDINGS OF FACT

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

1. On [REDACTED], Claimant [REDACTED] passed away.
2. On August 23, 2010, Decedent's daughter, [REDACTED], applied for SER assistance for the burial of Decedent.
3. On August 23, 2010, the Department sent notice of the application denial to Decedent's daughter.
4. On November 1, 2010, a hearing request was received on Claimant's behalf, protesting the denial of SER assistance with burial.

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 1993 AACSR 400.7001-400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Based upon the above Findings of Fact, the Administrative Law Judge concludes that the Department properly improperly denied Claimant's SER application for burial.

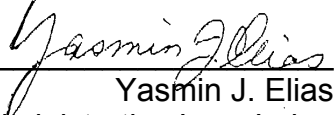
DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Department did did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Process the Claimant's SER burial assistance application as if filed properly within the 10-day time limit, according to Departmental policy.



Yasmin J. Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 27, 2011
Date Mailed: July 28, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

YJE/pf

cc:

