

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

IN THE MATTER OF:



Reg. No: 201142609
Issue No: 5005
Case No: [REDACTED]
Hearing Date: August 18, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 received on November 24, 2009. After due notice, a telephone hearing was held on August 18, 2011. The claimant's authorized representative, [REDACTED], personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application for burial assistance?

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 and his authorized representative applied for SER burial assistance on June 3, 2011. (Department Hearing Summary).
2. On June 13, 2011, the department sent the claimant a SER decision notice denying the claimant's application due to the cost of the burial exceeding the maximum family contribution plus the maximum SER payment. (Department Exhibit D-1).
3. The claimant filed a request for hearing on June 17, 2011.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Emergency Relief Manual (ERM).

State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

SER also provides assistance for burial expenses. In relation to the burial expenses that SER will assist with, ERM 306 states that payment is available when the decedent's estate, co-pays etc. are not sufficient to pay for burial, cremation, or the costs of donating a body to a medical school. Friends and/or relative may supplement the SER payment up to \$4,000.00. The maximum contribution that the SER will make in assisting with a burial is \$700.00. ERM 306. Department policy states that if the total cost of the burial exceeds the maximum SER payment allowed plus the voluntary contribution, the SER application is to be denied. ERM 304.

In the case at hand, the claimant's personal representative did not dispute the total cost for the decedent's burial as used by the department for SER eligibility purposes. The total cost used by the department for the burial was \$5,393.88. Policy states that if the cost of the burial exceeds the maximum SER payment (\$700.00) plus the voluntary contribution allowed (\$4,000.00) the SER application is to be denied. Therefore, the total amount of the burial cannot currently exceed \$4,700.00 to be eligible for SER. In this case, the total cost of the burial is \$5,393.88, which exceeds that total amount allowed. The department therefore, acted properly in accordance with policy in denying the claimant's application for SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted properly in accordance with policy in denying the claimant's SER application.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 31, 2011

Date Mailed: August 31, 2011

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 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.

CSS/cr

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