

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 201112369
Nos.: 5005
Case No.: [REDACTED]
Hearing Date: March 22, 2011
DHS County: Oakland

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on March 22, 2011. Claimant's daughter, [REDACTED] appeared and testified on behalf of Claimant, who is deceased. [REDACTED] FIM and [REDACTED] ES appeared on behalf of the Department of Human Services (Department).

ISSUES

Was the Department correct in its denial of Claimant's request for State Emergency Relief (SER) for burial?

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 deceased Claimant was buried on November 18, 2010.
2. Claimant's daughter attempted to apply for SER for burial on November 25, 2010, but the Department office was not open, due to the Thanksgiving Holiday.
3. Claimant's daughter applied for SER for burial on November 29, 2010.
4. The Department denied Claimant's request for SER for burial due to the application being made after ten calendar days had passed.

5. Claimant's daughter requested a hearing protesting the denial.

CONCLUSIONS OF LAW

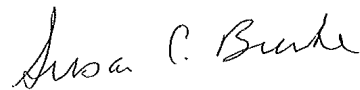
The SER program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400-7049. Department policies are found in the State Emergency Relief Manual (ERM).

ERM 306 dictates: "An application for SER burial must be made no later than 10 calendar days after the date the burial, cremation or donation takes place."

In the present case, Claimant's burial took place on November 18, 2010. Claimant's daughter applied for SER burial on November 29, 2010. Claimant's daughter attempted to make an application for SER on November 25, 2010, but the Department offices were closed for the Thanksgiving Holiday. While I sympathize with Claimant's daughter, Department policy does not allow for exceptions that would take into account weekends or holidays. Rather, the policy states that the application must be made no later than ten calendar days after the date of the burial. The Department was therefore correct in its decision to deny Claimant's request for SER burial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its decision to deny Claimant's SER for burial and therefore it is ORDERED that its decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 13, 2011

Date Mailed: April 13, 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

2010-51546/SCB

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.

SCB/hw

cc:

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