

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

IN THE MATTER OF:

[REDACTED]
[REDACTED] LANE
[REDACTED]

Reg. No: 201151142
Issue No: 5005
Case No: [REDACTED]
Hearing Date: November 1, 2011
Oakland County DHS #3

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me 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 November 1, 2011. Claimant and Department appeared by telephone and provided testimony.

ISSUE

Whether the Department properly denied Claimant's State Emergency Relief (SER) application?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. On Thursday March 17, 2011, the Claimant's wife passed away. On Friday March 18, 2011, the Claimant's wife was buried. (Department Exhibit p. 7)
2. On Thursday April 7, 2011, the Claimant submitted to the Department an application for SER seeking burial assistance. (Department Exhibit pp. 3-8).
3. At no time between March 18, 2011 and April 7, 2011 did the Claimant contact the Department regarding burial assistance.
4. On April 7, 2011, the Department denied the Claimant's SER application.
5. On May 26, 2011, the Claimant filed with the Department a hearing request protesting the April 7, 2011 SER denial.

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 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 State Emergency Relief Manual (SER).

SER assists with burial when the decedent's estate, mandatory co-pays, etc are not sufficient to pay for:

- Burial

- Cremation

- Costs associated with donation of a body to a medical school.

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. (ERM 306 p. 1)

Based upon the unrebutted testimony of the Claimant and the Department, I find that prior to the application for SER the Claimant made no inquiry into the different types of benefits available. And consequently the Department was unable to provide the Claimant with the time lines regarding SER burial assistance. Therefore, the SER denial is because of the Claimant's own actions.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law that the Department did act in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is **AFFIRMED**.

/s/

Corey A. Arendt
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: November 1, 2011

Date Mailed: November 2, 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.

CAA/cr

cc:

