

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-56122
Issue No: 5005

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 May 23, 2012. After due notice, a telephone hearing was held on [REDACTED]. Claimant's son personally appeared and provided testimony. The department was represented by [REDACTED]

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. Claimant's son applied for State Emergency Relief (SER) assistance with burial assistance for his mother on [REDACTED].
2. The department mailed the claimant a SER Notice of Case Action (DHS-1605) on [REDACTED] denying the request because the application was filed more than 10 days after the date of cremation.
3. The claimant's son submitted a hearing request on [REDACTED]

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 State Emergency Relief Manual (SER).

Department policy states:

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.

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.

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 this case, the claimant is disputing the denial of an SER application for assistance with cremation/funeral expenses. The claimant testified that he requested information from the department and was told that he needed to submit the application within 10 days of the funeral. The department representative testified that there was confusion on the interpretation of this policy and that, while she wasn't the worker that processed the application, the claimant was most likely told to submit the application within 10 days of the funeral. The funeral was conducted on [REDACTED]. The application was submitted on [REDACTED]. Therefore, the claimant did submit the application within 10 days of the funeral.

One of the requirements of this policy is that the department staff clearly explains the requirement that application be made within 10 calendar days of the burial, cremation or donation. In this case, the evidence shows the staff member told the claimant application should be made within 10 days of the funeral. In this case, the funeral was on a different day than the cremation. While the staff member may not have known that, it was incumbent upon the staff member to make sure the client understood the

