

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

**IN THE MATTER OF:**

██████████  
████████████████████  
██

Reg. No.: 2013-26589  
Issue No.: 5005  
Case No.: ██████████  
Hearing Date: May 22, 2013  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 May 22, 2013, from Detroit, Michigan. Claimant is deceased. Claimant's husband, ██████████, and Claimant's sister, ██████████ appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

**ISSUE**

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

**FINDINGS OF FACT**

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

1. On November 13, 2012, Claimant's daughter applied for SER assistance with Claimant's burial services.
2. On November 19, 2012, the Department sent Claimant's daughter a State Emergency Relief Decision Notice informing her that her application for SER assistance with Claimant's burial services had been denied because the emergency had already been resolved. (Exhibit 4).
3. On January 23, 2013, the Department received Claimant's hearing request, protesting the SER Decision Notice.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

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 Mich Admin Code, R 400.7001 through R 400.7049.

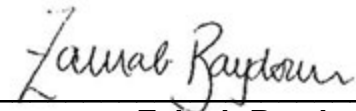
Additionally, SER assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for: burial or cremation, among other things. ERM 306 (May 2012), p. 1. Covered SER burial services include any goods or services normally provided to bury, cremate or donate a human body, including the following: goods and services that are provided by a funeral director, an outside receptacle which is required by the cemetery and which consists of a metal or concrete rough box, a single burial space, opening and closing the grave, the use of cemetery equipment, transportation and clothing. ERM 306, p. 2. Certain conditions must be met before SER can be issued to help individuals and families. The Department is not to issue SER to reimburse expenses incurred or paid without Department approval and the SER payment must resolve an emergency. ERM 103 (August 2012), p. 3.

In this case, Claimant's daughter requested a hearing regarding the SER denial of her request for assistance with Claimant's burial services. Claimant's daughter submitted an application for SER on November 13, 2012, seeking assistance with burial services for her mother. At the hearing, the Department testified that it contacted the funeral home and was informed that the balance on Claimant's account was \$0.00. The Department presented a Statement of Funeral Goods and Services dated November 23, 2012 verifying that the balance on the account was \$0.00. (Exhibit 1). The Department also presented a check that was paid to the funeral home for the same amount that was requested on the SER application. (Exhibit 2). Claimant's representatives confirmed that the balance on the account at the funeral home was paid off prior to submitting an SER application for assistance. Claimant's representatives testified that they were seeking reimbursement for the costs incurred. On November 19, 2012, the Department sent Claimant's daughter a State Emergency Relief Decision Notice informing her that application for SER assistance for burial services had been denied due to the emergency already being resolved. (Exhibit 4). Because there was no outstanding balance on the account remaining at the time of the application, the Department acted in accordance with Department policy when it denied Claimant's daughter's application for SER assistance for with burial services due to no emergency being present. ERM 103, p. 3.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department acted in

accordance with Department policy when it denied Claimant's application for SER. Accordingly, the Department's decision is AFFIRMED.



**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 12, 2013

Date Mailed: June 12, 2013

**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 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ZB/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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