

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20136531
Issue No.: 5005
Case No.: [REDACTED]
Hearing Date: April 11, 2013
County: Macomb 20

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on April 11, 2013. [REDACTED] appeared for Claimant and testified.

ISSUE

Did the Department of Human Services properly deny the State Emergency Relief (SER) burial services application Claimant filed on October 1, 2012?

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 September 19, 2012, [REDACTED] [REDACTED] were held for Claimant's [REDACTED] [REDACTED]
- (2) On October 1, 2012, Claimant submitted an State Emergency Relief (SER) application for [REDACTED] [REDACTED]
- (3) On October 10, 2012, Claimant was sent a Decision Notice State Emergency Relief (DHS-1419) which stated the application was denied because the application was filed more than [REDACTED] [REDACTED] after the [REDACTED]
- (4) On October 19, 2012, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 of Human Services Emergency Relief Manual (ERM) 306 (2012) page 1 states "An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place." From September 19, 2012, the 10th business day was October 3, 2012. Claimant submitted the application on October 1, 2012, within the required time limit.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny the State Emergency Relief (SER) burial services application Claimant filed on October 1, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's October 1, 2012 State Emergency Relief (SER) application be reinstated and [processed in accordance with Department policy.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/30/13

Date Mailed: 5/1/13

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 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.

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

GFH/tb

cc:

