

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.: 201326119
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: June 25, 2013
County: Washtenaw

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 June 25, 2013. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services properly deny the cremation service charge portion of the September 20, 2012 State Emergency Relief (SER) burial application submitted on behalf of Claimant?

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 October 25, 2011, Claimant died.
- (2) On April 10, 2012, a State Emergency Relief (SER) burial application was been submitted to the Genesee County McCree District Department of Human Services office by a [REDACTED].
- (3) On April 19, 2012, a [REDACTED] payment for Claimant's cremation was authorized pending a [REDACTED] payment by [REDACTED].
- (4) On May 24, 2013, the Probate Court of Washtenaw County appointed a Special Personal Representative for the purpose of arranging disposition of Claimant's body by cremation.

- (5) On September 10, 2012, Claimant's Special Personal Representative signed a cremation authorization form for Stark Funeral Services.
- (6) On September 12, 2012, Stark Funeral Services recorded the cremation of Claimant.
- (7) On September 20, 2013, Claimant's Special Personal Representative submitted an application for State Emergency Relief (SER) burial services in Washtenaw County.
- (8) On December 3, 2012, payment of a [REDACTED] Funeral Director fee was authorized but the [REDACTED] cremation fee was denied.

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).

The Department submitted evidence which shows a [REDACTED] cremation fee was paid to Generations Funeral Cremation. The information presented in this case raises questions about what actually occurred at Generations Funeral Cremation. However, an Administrative Law Judge conducting Department of Human Services' hearings on eligibility for assistance, has no authority go beyond determining if the Department's action is correct in accordance with their policy. Department of Human Services State Emergency Relief Manual (ERM) 306 Burials (2012) page 7 & 8 states: Authorize payment for burial, cremation or donation at the rates charged by the provider up to the maximum payments specified in the table at the end of this item. The maximum payment for a cremation is [REDACTED]. Since the maximum payment has been made, the Department may not pay any additional amount for Claimant's cremation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied the cremation service charge portion of the September 20, 2012, State Emergency Relief (SER) burial application submitted on behalf of Claimant.

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

/s/

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

Date Signed: 07/16/2013

Date Mailed: 07/17/2013

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.

GFH/sw

cc:

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