

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

**IN THE MATTER OF:**

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

Reg. No.: 2013-48934  
Issue No.: 5005  
Case No.: ██████████  
Hearing Date: October 17, 2013  
County: Alpena-Alcona

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following a request for a hearing submitted by Claimant/Claimant's Authorized Hearing Representative (AHR). After due notice, a telephone hearing was held on Thursday, October 17, 2013, from Lansing, Michigan. Participants on behalf of Claimant/Claimant's AHR included the Claimant's daughter| ██████████ ██████████. Participants on behalf of the Department of Human Services (Department) included Miranda Pearl, ES.

**ISSUE**

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

**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 February 19, 2013, Claimant/Claimant's AHR applied for SER assistance for the burial of Decedent.
2. On February 25, 2013, the Department sent notice of the application denial to Claimant/Claimant's AHR.
3. On May 22, 2013, Claimant/Claimant's AHR filed a hearing request protesting the denial of SER assistance with burial.

**CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Additionally, the Claimant's daughter applied for SER on behalf of her father on February 19, 2013. The Claimant's daughter listed a truck as an asset of her father's. The Department determined, through NADA, that the Claimant's truck, a 1998 Chevy, was worth \$2,125, which resulted in the Claimant having excess assets for SER. Department Exhibit 10. On February 25, 2013, the Department denied the Claimant's application for SER burial due to excess assets. Department Exhibit 8-9. ERM 306.

During the hearing, the Claimant's daughter stated that the Claimant's two (2) trucks were not in good shape or worth a lot of money. Although it was appropriate for the Department to use the NADA estimate for the value of the vehicles, the vehicles were not in great shape. There was no Verification Checklist, DHS 3503, for the Claimant's daughter to provide an estimate of the value of the assets. The Claimant's daughter did not provide verification as to the value of the vehicles, which resulted in the Department using the NADA estimates. However, when the Administrative Law Judge asked the Claimant's daughter to provide estimate of the value of the estimate of the assets, she provided verification in a timely manner. Claimant's Exhibit a.

Therefore, the Department did not properly process the Claimant's SER application because the NADA value used did not match the true value of the Claimant's asset.

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

- acted in accordance with Department policy
- did not act in accordance with Department policy
- failed to satisfy its burden of showing that it acted in accordance with Department policy

when it denied the SER burial application.

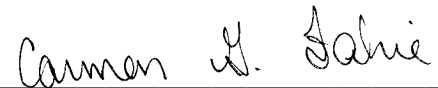
**DECISION AND ORDER**

Accordingly, the Department's SER decision is  AFFIRMED  **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS

HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination of the Claimant's eligibility for SER by reviewing the car value statement submitted by [REDACTED] about the value of the two (2) cars in determining the asset eligibility for the Claimant.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.



**Carmen G. Fahie**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 11/05/2013

Date Mailed: 11/06/2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

2013-48934/CGF

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

CGF/pw

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