

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-15648  
Issue No: 5005  
Case No: [REDACTED]  
Hearing Date: April 18, 2013  
Lenawee County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**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 April 18, 2013, in Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

**ISSUE**

Whether the Department properly denied Claimant's State Emergency Relief (SER) application?

**FINDINGS OF FACT**

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. On October 17, 2012, the Claimant's son was cremated.
2. On November 9, 2012, the Claimant submitted to the Department an application for SER seeking burial assistance.
3. At no time between October 17, 2012 and November 9, 2012 did the Claimant contact the Department regarding burial assistance.
4. On November 13, 2012, the Department denied the Claimant's SER application.
5. On November 28, 2012, the Claimant filed with the Department a hearing request protesting the SER denial.

**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 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).

SER assists with burial when the decedent's estate, mandatory co-pays, 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. (ERM 306 p. 1)

Based upon the un rebutted testimony of the Claimant and the Department, I find that prior to the application for SER the Claimant made no inquiry into the different types of benefits available. And at no time within 10 days of the burial/cremation did the Claimant apply for SER burial assistance. Therefore, per policy, the Claimant's application was outside of the 10 days provided by policy and thus the Department's denial of the application was correct.

**DECISION AND ORDER**

I find, based upon the above findings of fact and conclusions of law that the Department did act in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is **AFFIRMED**.



Corey A. Arendt  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: April 19, 2013

Date Mailed: April 19, 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 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

2013-15648/CAA

CAA/las

cc:

