

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.: 201326460
Issue No.: 5005
Case No.: [REDACTED]
Hearing Date: June 13, 2013
County: Genesee

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 13, 2013. Claimant was represented by authorized hearing representative Amanda Hendricks.

ISSUE

Did the Department of Human Services properly deny the January 8, 2013 application for assistance with Claimant's burial expenses?

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 January 1, 2013, Claimant passed away.
- (2) On January 3, 2013, Claimant's live together partner, Amanda Hendricks, submitted an application for assistance with Claimant's burial expenses. The application was denied because [REDACTED] does not meet the requirements of an applicant in ERM 306.
- (3) On January 7, 2013, Claimant's ceremony took place.
- (4) On January 8, 2013, Claimant's [REDACTED] submitted an application for assistance with Claimant's [REDACTED]. [REDACTED] was given a Verification Checklist (DHS Form 3503) for Claimant's assets. The verifications were due back on January 15, 2013.

- (5) On January 16, 2013, the January 8, 2013 application was denied because no verification of [REDACTED] was received.
- (6) On January 24, 2013, a request for hearing was submitted. The request named [REDACTED] as authorized hearing representative and was accompanied by a copy of a deposit system online account statement inquiry for an account in [REDACTED]' name.

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).

In this case Claimant's [REDACTED] submitted the application while he was in town for Claimant's [REDACTED]. During the interview with the Department case worker [REDACTED] stated he believed that his [REDACTED] had a bank account. Based on that information, the Department sought verification of Claimant's assets. The Verification Checklist (DHS Form 3503) was given to [REDACTED] who did not send any information in until the hearing was requested. The account information [REDACTED] sent in does not show Claimant as a joint account holder. During this hearing [REDACTED] did not dispute that Claimant had a bank account, She testified that the account she provided information on was the account that Claimant's pay had been deposited in. The evidence presented does not convince this Administrative Law Judge that Claimant's bank account was verified. That means that the Department's denial of the SER application was correct.

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 January 8, 2013 application for assistance with Claimant's burial expenses.

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: 7/3/13

Date Mailed: 7/8/13

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 60 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

GFH/tb

cc:

