

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-48681  
Issue No: 5005  
Case No: [REDACTED]  
Hearing Date: July 18, 2013  
Gogebic 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 July 18, 2013, in Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [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 April 23, 2013, Ms. Ellsworth applied for SER for the burial of her son (Claimant).
2. On April 23, 2013, the Department approved the SER application with a co-pay amount of \$ [REDACTED] for a total payment of \$ [REDACTED].
3. As of May 6, 2013, the Claimant had paid the full amount (borrowed money from someone else to pay the funeral home and cemetery).
4. On May 6, 2013, the Department denied the SER application as the emergency had been resolved by the Claimant when the outstanding balance was paid in full.
5. On May 10, 2013, the Claimant requested a hearing to dispute the SER denial.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and a ppeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An oppor tunity for a hearing shall be granted to an ap plicant who requests a hearing because his c laim 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 c ontest a department decis ion affe cting eligibil ity or benefit levels whenever it is believed th e decision is incorrect. BAM 600. The dep artment will provide an adminis trative hearing to review the decis ion and determine the appropriateness. BAM 600.

The State Emergency Relief (S ER) program is established by 2004 PA 344. The SER program is administer ed 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 assist s 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.

SER payments for burial services are only made if it will resolve t he emergency. (ERM 306).

Based upon the unrebutted test imony of the Claimant and the Department, I find the issue was resolved when the amount due was pai d in full by the Cla imant and/or other parties. T here is no eviden ce the Depart ment was provi ded with verificat ion of the copayment amount being paid prior to the fu ll payment being made. For t his reason, the Department cannot provi de assistance since the emer gency (burial payments) had been resolved.

### **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**.



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

Date Signed: July 22, 2013

Date Mailed: July 22, 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.

CAA/las

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