

**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.: 2014-11911
Issue No.: 5001
Case No.: ██████████
Hearing Date: December 17, 2013
County: Branch

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 Tuesday, December 17, 2013, from Lansing, Michigan. Participants on behalf of the Claimant/Claimant's AHR included the Claimant's Mother, ██████████. Participants on behalf of the Department of Human Services (Department) included Amy Vanaken, ES and Kelly Rivard, APSup.

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 November 1, 2013, Claimant/Claimant's AHR applied for SER assistance for the burial of Decedent.
2. On November 4, 2013, the Department sent notice of the application denial to Claimant/Claimant's AHR.
3. On November 8, 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 passed away on October 26, 2013. The Claimant was cremated on October 27, 2013. On November 1, 2013, the Claimant's Mother applied for SER for assistance with the Claimant's burial. Department Exhibit 1-3. The total cost of the burial was \$6,740. Department Exhibit 8. On November 4, 2013, the Department Caseworker sent the Claimant's Mother a denial notice for SER assistance with burial because the total cost of the burial exceeds the maximum family contribution plus the maximum SER payment. Department Exhibit 4-7. ERM 306

ERM 306, BURIALS, page 8

Voluntary Contributions

Friends and relatives may supplement the SER burial payment in any amount up to \$4,000 for additional services. There must be a signed statement from the friend/relative indicating the amount of their contribution. The contribution does not have to be paid prior to the SER payment authorization.

Responsible relatives required to make an income and/or asset copayment can designate \$200 of the copayment for this purpose. Designating reduces the copayment.

This Administrative Law Judge finds that the Claimant's total burial costs exceeded the maximum amount allowed for a SER burial of \$4,000. The Claimant's Mother applied after the cremation and burial. Even though she was timely within the 10 days of death, there was no flexibility in the funeral costs to lower the amount to be eligible because the Claimant had already been cremated and burial had taken place.

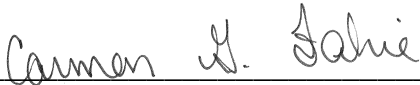
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy

when it denied the SER burial application.

DECISION AND ORDER

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


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

Date Signed: 01/08/2014

Date Mailed: 01/08/2014

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

2014-11911/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]
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