

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-20852
Issue No(s): 5001
Case No.: [REDACTED]
Hearing Date: February 19, 2014
County: Emmet County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant, and [REDACTED] sister in law. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Assistance Payments Supervisor, and [REDACTED] Assistance Payments Worker.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application for burial assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 23, 2013, Claimant applied for SER assistance for the burial of Decedent.
2. On December 26, 2013, the Department sent notice of the application denial to Claimant.
3. On January 2, 2014, Claimant filed a hearing request protesting the denial of SER assistance with burial.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual

(BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 Michigan Admin Code, R 400.7001 through R 400.7049.

The Department will accept and register an SER application if the following information is provided: 1) applicant name, 2) address or statement of homelessness, 3) birthdate, and 4) applicant's or authorized representative's signature. ERM 102.

An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place. ERM 306.

In this case, Claimant first submitted an unsigned SER application on or about December 6, 2013. Because the application was unsigned, the Department could not accept and register it under the above cited ERM 102 policy. The Department mailed the application back to Claimant for her signature with a DHS-3030 Notice of Missing Information. (Exhibit A, pages 4-7)

Claimant signed the SER application and mailed it back to the Department. The Department did not receive the signed SER application until December 23, 2013. (Exhibit A, pages 4-7) The reported date of burial/cremation was December 5, 2013. (Exhibit A, page 5) Accordingly, on December 26, 2013, the Department sent notice to Claimant that the SER application for burial services was denied because the application was filed more than ten business days after the date of the burial/cremation. (Exhibit A, page 8)

Claimant and her witness testified that the signed SER application was mailed back to the Department right away, and should have arrived much earlier than December 23, 2013. Unfortunately, it is not known why the SER application was not received by the Department for about two weeks. The testimony of Claimant and her friend credibly indicated Claimant has had a considerable burden of paperwork since her husband passed away.

Under the above cited ERM policy, the initial submission of the SER application on December 6, 2013 was not sufficient to register the application and preserve the filing date because it was unsigned. Unfortunately, the signed application was not received by the Department until December 23, 2013, which was more than ten business days after the date of the burial/cremation. Under the above cited ERM 306 policy, the denial of Claimant's SER application for burial assistance must be upheld.

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 decision is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 7, 2014

Date Mailed: March 7, 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

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

201420852/CL

CL/hj

cc:

