

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-000333
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: March 24, 2015
County: Oakland-District 3

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on March 24, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED], parents of the applicant. Participants on behalf of the Department included [REDACTED] as hearings facilitator.

ISSUE

Did the Department properly deny the State Emergency Relief (SER) application?

FINDINGS OF FACT

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

1. The Claimant died on October 11, 2014.
2. On November 3, 2014, the Claimant's parents submitted a State Emergency Relief (SER) on her behalf requesting assistance with burial expenses.
3. On November 5, 2014, the Department notified the Claimant that it had denied the State Emergency Relief (SER) application.
4. On January 2, 2015, the Department received a request for a hearing protesting the denial of the State Emergency Relief (SER) application.

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 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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place. Department of Human Services Emergency Relief Manual (ERM) 306 (October 1, 2013), p 1.

The Claimant's parents requested assistance from the Department with burial expenses for their daughter. The Department received their SER application on November 3, 2014, which was more than 10 business days after their daughter's date of death. On November 5, 2014, the Department sent notification that the SER application had been denied.


The Claimant's parents testified that the death of the daughter was a difficult time for them and that they had relied on the funeral home for assistance with the planning and financing of services for their daughter. The Claimant's parents testified that they were never notified about the 10 day cut of date to apply for burial assistance.

This Administrative Law Judge's authority over this case is limited to determining whether the Department properly applied its policies to the Claimant's circumstances to determine whether there was eligibility to receive benefits. In this case, the Department was acting in accordance with policy when it denied the application for burial assistance because was not submitted within 10 business days of the date of death.

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 State Emergency Relief (SER) application.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **3/30/2015**

Date Mailed: **3/30/2015**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

