

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-005178
Issue No.: 5007
Case No.: ██████████
Hearing Date: May 19, 2015
County: Mason

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 19, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's spouse, ██████████. Participants on behalf of the Department of Health and Human Services (Department) included AP Supervisor ██████████

ISSUE

Did the Department properly deny the application for Claimant's burial services?

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 March 9, 2015, Mr. Lusk submitted a State Emergency Relief Program application for burial services on Claimant's behalf.
2. On March 16, 2015, the Department issued a State Emergency Relief Decision Notice (DHS-1419) stating the application was denied.
3. On March 26, 2015, ██████████ submitted a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

During this hearing ██████ testified that he moved in with his wife in November, when she got really sick. ██████ does not dispute that his Michigan Driver License, issued February 14, 2013, shows his spouse's address. Neither does he dispute that the US Postal Service delivers his mail to that address. ██████ asserts he did not live with his spouse and his income should not be considered in any of her assistance eligibility determinations. State Emergency Relief Manual (ERM) 201 Group Composition (2013) provides guidance on who is included in SER groups. The facts in evidence define ██████ as a member of his spouse's SER group.

Prior to denial of the SER application, ██████ gave contradictory information to questions on some Department inquiries and no information on Department inquiries. State Emergency Relief Manual 102 Applicant/Department Rights & Responsibilities (2013), at page 1, states:

Applicant Responsibilities

Applicants must cooperate with the following:

The application process.

Provide verifications.

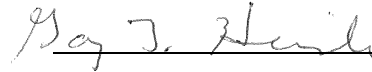
Answer all questions truthfully and completely, whether written or oral.

Deny SER if applicants refuse to take action or provide information within their ability, or withdraw their application.

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 application for Claimant's burial services.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/9/2015**

Date Mailed: **6/9/2015**

GH/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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

