



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR



Date Mailed: April 19, 2016
MAHS Docket No.: 16-000252
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Petitioner'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 March 10, 2016, from Lansing, Michigan. The deceased Petitioner was represented by her daughter-in-law [REDACTED]. The Department was represented by Assistance Payments Worker [REDACTED] and Family Independence Manager [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1 - 27 was admitted into evidence.

ISSUE

Did the Department properly deny the October 6, 2015 State Emergency Relief (SER) application for Petitioner'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 October 6, 2015, a State Emergency Relief (SER) application was received for Petitioner's burial services.
2. On October 30, 2015, the application was re-registered. An SER Verification Checklist (DHS-3503-SER) was issued for Petitioner's assets. The verifications were due on November 6, 2015.
3. On November 6, 2015, the verifications of Petitioner's assets had not been received. A State Emergency Relief Decision Notice (DHS-1419) was issued stating the application was denied.

4. On January 11, 2016, a proper hearing request was submitted.

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.

State Emergency Relief Manual (ERM) 103 Application Procedures (10-1-2015) at page 6 states:

Standard of Promptness

Give priority to SER applicants when there is a direct threat to health or safety requiring immediate attention.

The SER standard of promptness is **10 calendar days**, beginning with the date the signed SER application is received in the local office. The case record must include documentation for any delay in processing the application beyond the standard of promptness.

Do not use the standard of promptness as a basis for denial of SER applications.

Continue to pend an application if the SER group is cooperating within their ability to provide verifications.

Deny the application if the group does not cooperate.

Note: There is no standard of promptness adjustment for holidays or non-business days. The case record must include documentation for any delay in processing the application beyond the standard of promptness.

VERIFICATION

Clients must be informed of all verifications that are required and where to return verifications. The due date is **eight calendar days** beginning with the date of application. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date.

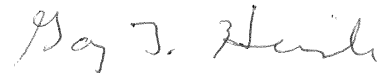
Use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications.

The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment.

During this hearing Petitioner's representative testified that she did mail in the asset verification but does not know what date it was mailed. 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 October 6, 2015 State Emergency Relief (SER) application for Petitioner's burial services.

DECISION AND ORDER

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



GH/nr

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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

[REDACTED]

[REDACTED]