

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-12283

Issue No: 5005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2009

Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 23, 2009.

ISSUE

Was the claimant's application for SER burial funds properly denied?

FINDINGS OF FACT

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

- (1) Claimant's representative applied for SER burial funds on 12-17-08.
- (2) Claimant's representative presented DHS with claimant's funeral bill, which totaled \$6,451.

(3) It was determined that claimant's funeral costs were in excess of those allowed by policy, and SER funds were denied.

(4) On 1-2-09, claimant requested a hearing on the matter, alleging that they were unaware at the time of the funeral that there was a limit as to funeral costs and contributions for the purposes of the SER program.

#### CONCLUSIONS OF LAW

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. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Friends and relatives may supplement the SER burial payment in any amount up to \$4,000 for additional services; however, if contributions exceed \$4,000 **OR** if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution, the SER application must be denied. ERM 306. This is a bright line rule; if the burial cost exceeds \$4,771, which is \$4,000, plus the SER maximum payment in the current situation, SER must be denied.

In the current case, it is clear that the claimant has run afoul of these regulations. Department Exhibit 2, the Application for State Emergency Relief, contains a copy of the funeral bill. According to the claimant's representative's testimony, this was the cost of the claimant's funeral. This bill shows that the funeral, by itself, cost \$4,795, more than the allowed cost provided for in the policy. The bill contains no itemized costs of the funeral, nor does it explain why the service is so expensive. However, the policy is clear that memorial and other funeral

costs are considered burial costs. This is before we add in costs of the casket and the cremation, which brought the funeral to a total cost of \$6,451.

The Administrative Law Judge is of the opinion that the claimant's family may have been the victim of fraud; the lack of an itemized bill and a memorial cost far in excess of the state contribution for a memorial (contained in ERM 306) is suspect in the extreme. The undersigned feels that the fact that the funeral home in question has a monopoly over the claimant's town, and the fact that no itemization of what exactly brought the cost of the memorial services to almost \$4,800 has been provided, should raise questions, and that the claimant's family may wish to contact the Consumer Affairs division of the Attorney General to file a complaint. cursory research has revealed that a funeral home that simply provides a flat cost for a memorial and does not itemize that cost should raise a red flag.

However, this is only speculation. The only issue before us is whether the Department's denial of claimant's SER application was proper. The policy provides a bright line rule; if the cost of the funeral and burial services exceeds \$4,771, the application must be denied. The evidence of record shows that the costs exceed this threshold. The Administrative Law Judge has found no support in policy to reject various parts of the bill, even if that bill is as suspect as the undersigned feels that it is.

Thus, as the bill exceeds the bright line threshold, the application must be denied.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's SER burial funds application was correct.

Accordingly, the Department's decision in the above matter is, hereby, **AFFIRMED**.

/s/ \_\_\_\_\_  
Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 27, 2009

Date Mailed: July 28, 2009

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

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 was made, within 30 days of the receipt date of the rehearing decision.

RJC/cv

cc:

