

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-015690
Issue No.: 5001
Agency Case No.: [REDACTED]
Hearing Date: October 14, 2015
County: CLARE

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 October 14, 2015, from Lansing, Michigan. Participants on behalf of Claimant included his authorized representative [REDACTED] and the authorized hearing representative [REDACTED] of the [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's July 16, 2015 State Emergency Relief (SER) application for 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 July 16, 2015, [REDACTED] submitted a State Emergency Relief (SER) application for burial services on Claimant's behalf. The submission included a statement of costs from the [REDACTED].
2. On July 20, 2015, the Department issued a State Emergency Relief Decision Notice (DHS-1419) which stated the application was denied.
3. On August 31, 2015, [REDACTED] 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.

In this case, the Department used the dollar amount, listed as the total cost, on the funeral home statement to determine eligibility. There is no dispute that the amount listed on the total cost line of the statement is \$5053. Neither is there a dispute that \$5053 exceeds the criteria in State Emergency Relief Manual (ERM) 306 Burials for eligibility.

██████████ explained that the funeral home wrote off \$██████████ in order for the total cost amount due to fit within the Department's eligibility criteria. ██████████ explained that funeral homes are under a Federal Trade Commission requirement to give their total cost of the arrangements selected. ██████████ further explained that the Department should deduct the amount under adjustments from the total cost. ██████████ testified that approval of this type of write off in order to meet the Department's eligibility criteria were previously obtained from a ██████████ in the Department's Central Office.

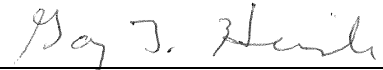
It is noted that the local office sent an email inquiry to the SER Policy office providing the reference to approval by ██████████. The response received stated the denial was appropriate.

██████████'s explanation of the mathematics is understood. However, the total cost listed on the statement and what the funeral home will accept in payment is not the same thing. ERM 306 clearly states to deny an SER application if "the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution." There is nothing in Department policy that directs a Department worker to reduce the total cost amount listed on the statement from the funeral home, based on any other information on the statement.

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 Claimant's July 16, 2015 State Emergency Relief (SER) application for 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: **10/29/2015**

Date Mailed: **10/29/2015**

GFH / ■

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:

