

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

IN THE MATTER OF:



MAHS Reg. No.: 15-019325
Issue No.: [REDACTED]
Agency Case No.: 119311985
Hearing Date: November 18, 2015
County: DELTA

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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, an in-person hearing was held on November 18, 2015, from Escanaba, Michigan. The Claimant was represented by [REDACTED], father. The Department of Health and Human Services (Department) was represented by [REDACTED], General Services Program Manager (GSPM).

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER) for burial services based on a failure to comply with verification requirements?

FINDINGS OF FACT

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

1. Claimant passed away on September 22, 2015. (Claimant Exhibit 1, p. 3)
2. On September 28, 2015, Claimant's father applied for SER for burial services on behalf of Claimant. (Department Exhibit A)
3. On September 29, 2015, a telephone interview was completed. (Uncontested)
4. On September 29, 2015, a copy of the title for Claimant's vehicle was submitted to the Department. (Department Exhibit C)
5. On September 29, 2015, a SER Verification Checklist was issued to Claimant's father stating verification of savings account/Christmas club

account, amount for SER burial services, and checking account were needed by the October 6, 2015, due date. (Department Exhibit B)

6. On October 7, 2015, a SER Decision Notice was issued stating SER for burial services was denied based on a failure to comply with verification requirements. (Department Exhibit D)
7. On October 16, 2015, Claimant's father filed a hearing request contesting the Department's action.

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.

SER assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for: burial, cremation, costs associated with donation of a body to a medical school, cremation permit fee for an unclaimed body, and mileage costs for an eligible cremation of an unclaimed body. ERM 306, (October 1, 2013), p. 1; and ERM 306, (October 1, 2015), p. 1.

ERM 103 addresses verifications:

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.

ERM 103, (October 1, 2013), p. 6;
ERM 103, (October 1, 2015), p. 6,
(emphasis in original)

In this case, Claimant's father submitted an application for burial services on Claimant's behalf on September 28, 2015. (Department Exhibit A)

On September 29, 2015, a telephone interview was completed. (Uncontested) The Department asserts that during the interview Claimant's father was told the needed verifications were: a copy of the title/registration to Claimant's vehicle, balances on his credit union accounts, and a statement from the funeral home for services rendered. (Department's Hearing Summary)

Claimant's father testified that during the interview the Department only asked for the title for the vehicle, which funeral home would provide the services and if it would be a burial or cremation. Claimant's father noted that this information was provided on the application. The name of the funeral home was listed on the application. However, there was no information regarding the cost of services or whether it would be a burial or cremation on the application form. (Department Exhibit A) Claimant's father testified that the funeral home said they would provide documentation. Further, on September 29, 2015, a copy of the title for Claimant's vehicle was submitted to the Department. (Department Exhibit C)

On September 29, 2015, a SER Verification Checklist was issued to Claimant's father stating verification of savings account/Christmas club account, amount for SER burial services, and checking account were needed by the October 6, 2015, due date. (Department Exhibit B) Thus, even if the need for additional verifications was not discussed during the telephone interview, the Department followed the above cited ERM 103 policy by issuing the SER Verification Checklist listing all verifications that were required, where to return verifications, and the due date that allowed eight calendar days for the verifications to be submitted.

Claimant's father testified that he did not receive the September 29, 2015, Verification Checklist and he had no reason not to try to provide what was asked of him. Claimant's father explained that he had a lot of unopened mail regarding Claimant, including mail from the Department. At that time Claimant's father was not opening mail addressed to Claimant because he did not yet have the authority to do so. However, the September 29, 2015, SER Verification Checklist was addressed to Claimant's father, not Claimant. (Department Exhibit B) Claimant's father confirmed that the address on the September 29, 2015, SER Verification Checklist was correct and stated that he did not have any problems with receiving mail. The GSPM testified that the SER Verification Checklist was issued by central print on September 29, 2015, there were no know issues with

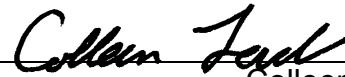
central printing during that time period, and the SER Verification Checklist did not come back as returned mail.

As noted above, the Department followed the ERM 103 policy when it issued the September 29, 2015, SER Verification Checklist. The SER Verification Checklist: listed all verifications that were required; stated where to return verifications as well as the due date that allowed eight calendar days for the verifications to be submitted; was addressed to Claimant's father; and there were no known problems with either central office print issuing correspondence or Claimant's father receiving mail. There was no response to the SER Verification Checklist by the due date.

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 application for SER for burial services based on a failure to comply with verification requirements.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/24/2015**

Date Mailed: **11/24/2015**

CL / ■

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:

