



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 14, 2016
MAHS Docket No.: 16-000614
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 Petitioner was represented by his daughter, [REDACTED]. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

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 December 23, 2015, [REDACTED] applied for SER to assist in the payment of funeral expenses for her father, [REDACTED].
2. On June 13, 2011, [REDACTED] prepaid \$ [REDACTED] for embalming services and transfer of his remains to a funeral home. Exhibit 1 Page 11.
3. Additional charges invoiced after his death totaled \$ [REDACTED]. Exhibit 1 Page 8. It is noted that the additional charges included \$ [REDACTED] for embalming, raising the

question of why the embalming charges were not covered by the 2011 prepayment.

4. Other charges invoiced after his death were \$ [REDACTED] for opening and closing the vault, and handling the vault. Exhibit 1 Page 7.
5. In a SER Decision Notice dated January 5, 2016, the Department denied the application finding the maximum family contribution toward a funeral is \$4,000, the most the Department can pay towards a funeral is \$700, and because the total cost of the funeral and burial services exceeded \$4,700 SER was not available.
6. On January 11, 2016, Petitioner requested a hearing.

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.

The applicable policy for burial assistance is found in ERM 306 (10/1/15). SER assists with burial when the decedent's estate, mandatory copays, etc. are insufficient to pay for the burial or cremation. There are limits on the services that are covered. Those are found at page 3 of ERM 306.

COVERED SERVICES

Covered SER burial services include any goods or services normally provided to bury, cremate or donate a human body, including the following:

- Goods and services that are provided by a funeral director.
- An outside receptacle which is required by the cemetery and which consists of a metal or concrete rough box.
- A single burial space.

- Opening and closing the grave.
- The use of cemetery equipment.
- Transportation.
- Clothing.
- Clergyman's honorarium.

A review of the charges from the funeral home show that they provided several goods and services, totaling \$[REDACTED]. The prepaid arrangements totaled \$[REDACTED]. Also charged was \$[REDACTED] for services associated with the vault. The total amount charged was \$[REDACTED]. The Department considered, as countable expenses, \$[REDACTED] for the funeral director, \$[REDACTED] for the vault, and \$[REDACTED] for the cemetery/crematory, totaling \$[REDACTED].

At page 10 of ERM 306 is a table showing the maximum benefits that are available in SER. For a burial with a memorial service, up to \$720 is the maximum allowable payment. Friends and family may supplement the SER burial payment in any amount up to \$4000 for additional services. (ERM 306 at page 8.) If the total cost of burial exceeds the SER maximum payment allowed, plus the voluntary contribution, the application must be denied. Id. The Department provides the following example:

Example: The decedent will be returned to a foreign country for burial. Local funeral director charges total \$2800. Friends and family will also pay air-shipping charges of \$2100. MDHHS payment maximum is \$579. (There are no local cemetery or vault charges.) The total charges are \$4900, which leaves \$4321 as a family contribution. This exceeds the MDHHS maximum allowable, so no SER payment is made.

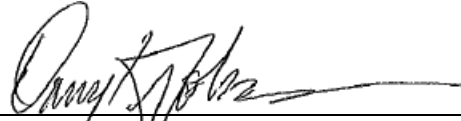
Inasmuch as the total Covered Services of \$[REDACTED] exceeds the maximum SER benefit of \$720 and the maximum allowable family contribution of \$4,000.00, the application must be denied.

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 SER burial application.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
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]

Petitioner

[REDACTED]