



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 6, 2016
MAHS Docket No.: 16-001494
Agency No.: [REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 April 21, 2016, from Detroit, Michigan. Petitioner is deceased. Petitioner was represented by [REDACTED], his cousin/next of kin. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED] Assistance Payment Supervisor.

ISSUE

Did the Department properly deny Petitioner's request for State Emergency Relief (SER) assistance with burial/cremation costs?

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 January 25, 2016, [REDACTED], as Petitioner's Authorized Representative (AR), submitted an application for SER assistance with the cost of burial/cremation services. (Exhibit A, pp. 2-6)
2. On January 25, 2016, and in connection with the SER application, Petitioner's AR provided the Department with a receipt dated January 14, 2016, and a Statement of Funeral Goods and Services which indicates that the total costs of \$876 reflected on the statement was paid in full and that the balance due was \$0. (Exhibit A, pp. 7-10)

3. On January 25, 2016, the Department sent Petitioner's AR an Application Notice advising her that the SER application was denied on the basis that the balance of the funeral costs had already been paid by [REDACTED]. (Exhibit A, pp. 11-12)
4. On February 3, 2016, Petitioner's AR requested a hearing disputing the denial of the SER application.

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; or mileage costs for an eligible cremation of an unclaimed body. ERM 306 (October 2015), p. 1.

In this case, on January 25, 2016, [REDACTED] in her capacity as relative and AR of Petitioner, submitted an application for SER assistance for the burial or cremation of decedent, Petitioner. The Department testified that the application was denied on the basis that Petitioner's AR had provided verification that the bill for services had been paid in full on January 14, 2016. The Department is not to issue SER to reimburse expenses incurred or paid without Department approval and the SER payment must resolve an emergency. ERM 103 (October 2015), p. 3. At the hearing, Petitioner's AR confirmed that she made a payment in full to the funeral home for the costs of burial/cremation services on July 14, 2016, prior to submitting the SER application. Petitioner's AR further confirmed that she provided the Department with the verification of her payment with the application. Therefore, based on the testimony presented at the hearing by both Petitioner's AR and the Department, the emergency was resolved prior to the application being submitted, as the balance on the statement was paid in full.

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 Petitioner's request for SER assistance with burial/cremation services.

DECISION AND ORDER

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



ZB/tlf

Zainab Baydoun
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

[REDACTED]

[REDACTED]

[REDACTED]

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