



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 23, 2016
MAHS Docket No.: 16-003922
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on May 12, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included the Petitioner's authorized representative and brother, [REDACTED]. [REDACTED] (Hearing Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly denied the Petitioner's State Emergency Relief (SER) application?

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 March 9, 2016, the Department received the Petitioner's State Emergency Relief (SER) application requesting assistance with burial expenses. Exhibit A, pp 6 – 9.
2. On the State Emergency Relief (SER) application, the Petitioner's representative reported to the Department that his brother had died on February 2, 2016, and the burial was February 3, 2016. Exhibit A, p 8.
3. On March 9, 2016, the Department notified the Petitioner's authorized representative that the State Emergency Relief (SER) application has been denied. Exhibit A, pp 11 – 13.

4. On March 23, 2016, the Department received the Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) benefits. Exhibit A, pp 4 – 5.

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.

State Emergency Relief (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.
- Mileage costs for an eligible cremation of an unclaimed body.

Department of Health and Human Services Emergency Relief Manual (ERM) 306 (October 1, 2015), p 1.

On March 9, 2016, the Department received the Petitioner's SER application where his representative had requested assistance with burial expenses. On the SER application, the representative testified that his brother had died on February 2, 2016, with burial the next day on February 3, 2016. On March 9, 2016, the Department denied the Petitioner's SER application because it had not been submitted with 10 business days. ERM 306, p 1.

The Petitioner testified that he was told by the funeral home that the Department would pay \$█ for the funeral expenses and that he paid the remainder of the bill to the funeral home. The funeral home was apparently unfamiliar with the SER application process. The Petitioner testified that he did not know of the 10 business day deadline to submit the application and did not know where to submit the application until after he had returned from Florida after travelling there to inform other family members of the Petitioner's passing.


The Department was acting in accordance with ERM 306 when it denied the Petitioner's SER application and this Administrative Law Judge does not have the authority to grant an exception in this case. Despite the fact that the Petitioner received poor guidance from the funeral home, the Department properly applied its policies to these circumstances from the point that it received the application.

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 Petitioner's State Emergency Relief (SER) application.

DECISION AND ORDER

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

KS/las



Kevin Scully
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]

[REDACTED]

Petitioner

[REDACTED]