



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: September 2, 2016
MAHS Docket No.: 16-010186
Agency No.: [REDACTED]
Petitioner: [REDACTED].

ADMINISTRATIVE LAW JUDGE: Zainab A. 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 August 22, 2016, from Detroit, Michigan. The Petitioner is deceased. Petitioner was represented at the hearing by his Mother, [REDACTED] as, Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly process and deny Petitioner's request for State Emergency Relief (SER) assistance with 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 or around May 23, 2016, [REDACTED], as Petitioner's Authorized Representative (AR) submitted an application for SER assistance with the cost of burial services. (Exhibit A)
2. On May 24, 2016, the Department sent Petitioner's AR a State Emergency Relief Decision Notice (Notice) advising her that she was required to make a copayment of [REDACTED] towards her request for SER assistance and provide proof that the

payment has been made by June 22, 2016, prior to the Department making its approved payment towards her SER request. (Exhibit B)

3. On May 25, 2016, Petitioner's AR made the required [REDACTED] copayment to the funeral home. (Exhibit 1)
4. Petitioner's AR did not provide the Department with proof that she made her copayment or the receipt of payment prior to June 22, 2016. (Exhibit C)
5. On July 14, 2016, Petitioner's AR provided the Department with the verification that she made her [REDACTED] copayment to the funeral home.
6. On July 14, 2016, Petitioner's AR requested a hearing disputing the Department's failure to make its approved SER payment.

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. The Department will determine mandatory copayments from responsible relatives based on the SER Group Composition policy found in ERM 201 and the Department will authorize payment for burial or cremation services at the rates charged by the provider up to the maximum payments specified in table found in ERM 306. ERM 306, p. 9.

Prior to authorizing the department's portion of the cost of services, verification that the copayment, shortfall or contribution has been paid by the client is needed. ERM 206 (October 2015), p. 5. Department policy provides that if the SER group meets all eligibility criteria but has a copayment, shortfall, and/or contribution, verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made. The Department will use the DHS-1419, Decision Notice, to inform the SER group of the amount they must pay and the due date for returning proof of their payment. ERM 103 (October 2015), p. 4; ERM 401 (October 2013), p. 2.

In this case, the Department testified that it did not make its approved payments towards the request for SER assistance with burial services because it did not receive verification that Petitioner's AR made her [REDACTED] copayment prior to the end of the 30-day eligibility period, on June 22, 2016. The Department confirmed receiving proof that Petitioner paid [REDACTED] to the funeral home on May 25, 2016, however, the verification was not received until July 14, 2016, which was too late. At the hearing, Petitioner's AHR did not dispute that she failed to provide the Department with the receipt verifying her copayment prior to June 22, 2016. Petitioner's AHR stated that she brought the receipt to the Department upon being notified by the funeral home that the Department had not made its approved payment.

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 although Petitioner's AR did make her required copayment during the 30-day eligibility period, because she did not provide the Department with verification of the payment until July 14, 2016, the Department acted in accordance with Department policy when it denied Petitioner's AR's request for SER assistance and did not make its approved SER payment.

DECISION AND ORDER

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

ZB/tlf



Zainab A. 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

DHHS

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

Petitioner

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

Via Electronic Mail:

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