



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 23, 2016
MAHS Docket No.: 16-014713
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 November 10, 2016, from Lansing, Michigan. The Petitioner was represented by her authorized representative [REDACTED]. The Department was represented by [REDACTED], Lead Worker.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) benefits seeking assistance with funeral 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. August 15, 2016, the Department received Petitioner's application for State Emergency Relief (SER) benefits. Exhibit A, p 7.
2. On August 24, 2016, the Department improperly denied Petitioner's State Emergency Relief (SER) application.
3. On September 7, 2016, the Department verification that Petitioner's funeral cost \$ [REDACTED] Exhibit A, p 11.
4. On September 28, 2016, the Department re-registered and processed the August 15, 2016, State Emergency Relief (SER) application.

5. On September 28, 2016, the Department notified Petitioner's representative that State Emergency Relief (SER) benefits had been denied again. Exhibit A, p 4.
6. On October 5, 2016, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) benefits. Exhibit A, pp 2-3.

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 certain funeral expenses. Friends and relatives may supplement the SER burial payment in any amount up to \$ [REDACTED] for additional services. The SER maximum payment for burial with memorial services is \$ [REDACTED] Department of Health and Human Services Emergency Relief Manual (ERM) 306 (October 1, 2015), pp 1-11.


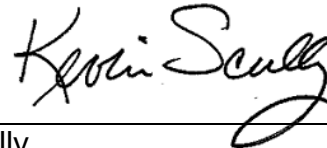
On August 15, 2016, the Department received Petitioner's application for SER benefits completed by her sister and authorized representative. On August 24, 2016, the Department improperly denied the application but then re-registered it.

The Department received verification that Petitioner's funeral services cost \$ [REDACTED]. This amount exceeds sum of the SER maximum payment for burial with memorial services and the permissible family contribution. Therefore, the Department denied the SER application on September 28, 2016.

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 did not act in accordance with Department policy when it denied Petitioner's State Emergency Relief (SER) application.

DECISION AND ORDER

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



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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]