



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: January 6, 2017
MAHS Docket No.: 16-016855

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 December 13, 2016, from Lansing, Michigan. The Petitioner was represented by his authorized representative and daughter, [REDACTED] since he is deceased. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine that the Petitioner was not eligible for State Emergency Relief (SER) because her application was not submitted within 10 days of burial?

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 October 24, 2016, the authorized representative and daughter applied for SER burial assistance for her father and submitted the required verification that the burial had occurred on October 8, 2016. Department Exhibit 1, pgs. 2-8.
2. On October 25, 2016, the Department Caseworker sent the Petitioner a Denial Notice because the SER application was filed more than 10 days after burial per ERM 306.

3. On November 4, 2016, the Department received a hearing request from the Petitioner's authorized representative, contesting the Department's negative action.

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.

In this case, the authorized representative and daughter applied for SER burial assistance for her father on October 24, 2016 and submitted the required verification that the burial had occurred on October 8, 2016. Department Exhibit 1, pgs. 2-8. On October 25, 2016, the Department Caseworker sent the Petitioner a Denial Notice because the SER application was filed more than 10 days after burial per ERM 306. On November 4, 2016, the Department received a hearing request from the Petitioner's authorized representative, contesting the Department's negative action. ERM 306.

BURIAL, ERM 306, page 1.

DEPARTMENT POLICY

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.

Staff Responsibilities

Staff must clearly explain SER burial eligibility requirements and program payment limits to any person making an inquiry. This includes the requirement that the application for SER burial must be made within 10 business days of burial, cremation or donation.

Application

An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place.

During the hearing, the Petitioner's authorized representative stated that she called on October 20, 2016 and was told to come in on October 24, 2016 because they were exceptionally busy. She did not remember who she talked to at the local office when she called. It was not clear if she informed the person who she was talking to on the phone that she was applying for SER, which had a 10 day deadline. She said she was not told about 10 day deadline or she would have come in and waited as long as necessary. However, she was also not told that she would be given an exception to the 10 day rule if she submitted her application later. The policy for SER is available online and the funeral homes are aware of the 10 day deadline to inform the client's families when applying. As a result, a SER application for burial has to be received within 10 days of the person's burial as cited by in ERM 306 or the application would be denied.

DECISION AND ORDER

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 SER application because it was submitted more than 10 days after burial.

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



Carmen G. Fahie
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]
[REDACTED]

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