



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 8, 2017
MAHS Docket No.: 17-008238
Agency No.: [REDACTED]
Petitioner: [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; 42 CFR 438.400 to 438.424; 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 10, 2017, from Lansing, Michigan. Petitioner was represented by his sister, [REDACTED], because he is deceased. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly determine the Petitioner's eligibility for State Emergency Relief (SER) for burial benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner died on [REDACTED]
2. On June 2, 2017, the Department received a SER application for burial assistance. Department Exhibit 1, pgs. 6-10.
3. On June 5, 2017, Petitioner's funeral home of [REDACTED] sent over the funeral statement and supporting documentation. Department Exhibit 1, pgs. 11-14.
4. On June 5, 2017, the Department Caseworker sent Petitioner's sister a SER Decision Notice, DHS 1419, that her SER request had been denied because the

amount requested of \$ [REDACTED] is greater than the total need amount of the \$ [REDACTED] sister contribution and the \$ [REDACTED] death benefit amount.

5. On June 15, 2017, the Department received a hearing request from Petitioner's sister, contesting the Department 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, Petitioner died on May 26, 2017. On June 2, 2017, the Department received a SER application for burial assistance. Department Exhibit 1, pgs. 6-10. On June 5, 2017, Petitioner's funeral home of [REDACTED] sent over the funeral statement and supporting documentation. Department Exhibit 1, pgs. 11-14. On June 5, 2017, the Department Caseworker sent Petitioner's sister a SER Decision Notice, DHS 1419, that her SER request had been denied because the amount requested of \$ [REDACTED] is greater than the total need amount of the \$ [REDACTED] sister contribution and the \$ [REDACTED] death benefit amount. On June 15, 2017, the Department received a hearing request from Petitioner's sister, contesting the Department negative action. BAM 600. ERM 101, 102, 103, and 306.

During the hearing, the Department Caseworker stated that the total bill for funeral was \$ [REDACTED] as submitted by the funeral home. However, the Department payment of \$ [REDACTED] for cremation would not resolve the emergency because Petitioner's sister, contributed \$ [REDACTED] leaving a balance of \$ [REDACTED] or \$ [REDACTED] if you include the cost of death certificate of \$ [REDACTED]. The funeral home sent over a funeral statement along with a funeral purchase agreement. The Department Caseworker noted discrepancies about different amounts being charged. When the funeral home was contacted, they stated that DHHS would only pay this amount. As a result, the full funeral amount was used when budgeting SER eligibility.

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 determined Petitioner's eligibility for SER where the emergency will not be resolved with the Department payment.

DECISION AND ORDER

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

Carmen G. Fahie

CF/md

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

DHHS

[REDACTED]

Petitioner

[REDACTED]