



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: September 14, 2017
MAHS Docket No.: 17-008378
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 August 30, 2017, from Lansing, Michigan. The Petitioner was represented by his wife and authorized hearing representative [REDACTED]. The Department was represented by [REDACTED] Hearing Facilitator.

ISSUE

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

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 May 19, 2017, the Department received a State Emergency Relief (SER) application requesting assistance with funeral expenses for [REDACTED].
2. Petitioner provided the Department with an invoice of funeral goods and services listing a balance due of \$ [REDACTED] Exhibit A, p 7.
3. On June 22, 2017, the Department notified Petitioner that it had denied her application for State Emergency Relief (SER) benefits. Exhibit A, p 8.
4. On June 23, 2017, the Department received Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) application. Exhibit A, pp 4-6.

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 expenses. The Department will deny SER if contributions exceed \$ [REDACTED] OR if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution. Department of Health and Human Services Emergency Relief Manual (ERM) 306 (March 1, 2017), pp 1-9.

The Department received a SER application on May 19, 2017, requesting assistance with Petitioner's burial expenses. When the Department received verification that total funeral expenses totaled \$ [REDACTED] the Department denied the application.

This Administrative Law Judge finds that the Department credibly determined that total burial expenses exceeded \$ [REDACTED] and that it was necessary to deny the SER application as required by ERM 306.

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 Petitioner's State Emergency Relief (SER) application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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]

Petitioner

[REDACTED]