



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: March 8, 2018  
MAHS Docket No.: 18-000352  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 March 1, 2018, from Detroit, Michigan. The Petitioner was represented by [REDACTED], Petitioner's son. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker and [REDACTED], Assistance Payments Supervisor.

**ISSUE**

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) benefits for failing to verify requested information?

**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 December 18, 2017, Petitioner passed away.
2. On December 19, 2017, Petitioner's son applied for SER benefits to assist with burial expenses.
3. On December 20, 2017, the Department sent Petitioner a Verification Checklist (VCL) which requested proof of funeral expenses and proof of checking account information.
4. The requested information was due on or before December 27, 2017.

5. The Department received proof of funeral expenses but did not receive proof of checking account information.
6. On December 28, 2017, the Department sent Petitioner a SER Decision Notice which notified Petitioner that his application for SER benefits had been denied.

### 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.

Additionally, 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. ERM 306 (October 2017), p. 1.

In this case, the Department sent Petitioner's son a VCL requesting banking account information. Petitioner's son acknowledged receipt of the VCL but stated that it arrived with several other documents. Petitioner's son further explained that because the VCL arrived with several other documents, he did not carefully review all the documents contained in the envelope. Petitioner's failure to review the documentation sent by the Department does not provide a basis upon which good cause can be found. Therefore, it is found that the Department properly denied the SER application requesting to assist with Petitioner's burial expenses.

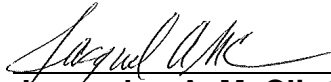
It should be noted that the Department is required to **deny the application if the total countable value of cash and non-cash assets prior to exclusions exceed the SER payment maximum for burials**. When assets exceed the payment maximum, the group cannot designate any of the assets as a supplement. ERM 306, p. 6. Petitioner's son submitted the requested banking information after the VCL due date. However, if the banking information had been received timely, the application would have likely been denied as the balance at the time of submission was [REDACTED], which is more than the [REDACTED] maximum amount allowed for burial expenses.

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 SER application submitted to assist with Petitioner's burial expenses.

**DECISION AND ORDER**

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

JAM/tlf



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**Jacquelyn A. McClinton**  
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

**Via Email:**



**Petitioner – Via First-Class Mail:**

