



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

Date Mailed: May 25, 2018  
MAHS Docket No.: 18-002805  
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, a telephone hearing was held on May 16, 2018, from Lansing, Michigan. Petitioner was represented by her sister and authorized representative [REDACTED]. The Department of Health and Human Services was represented by [REDACTED] Hearing Facilitator.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER)?

**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 passed on [REDACTED], and her body was cremated on [REDACTED].
2. On [REDACTED], the Department received a copy of a funeral home invoice containing the Petitioner's name, birth date, address, and the signature of her authorized representative.
3. On [REDACTED], the Department received another copy of a funeral home invoice. Exhibit A, pp 1-2.
4. On [REDACTED], the Department received a State Emergency Relief (SER) application seeking assistance with funeral home expenses. Exhibit A, pp 3-15.

5. On [REDACTED], the Department notified Petitioner that it had denied the [REDACTED], application. Exhibit A, pp 16-17.
6. On [REDACTED], the Department received Petitioner's request for a hearing disputing the denial of the State Emergency Relief (SER) application.

### **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.

It was not disputed that Petitioner passed on [REDACTED], and that her body was cremated on [REDACTED]. It is also not disputed that the Department received an SER application signed by her sister requesting assistance with funeral home expenses on [REDACTED]. On [REDACTED], the Department denied this application. Department policy requires that an application for SER burial must be made within 10 business days of burial, cremation, or donation. Department of Health and Human Services Emergency Relief Manual (ERM) 306 (January 1, 2018), p 1.

Petitioner testified that she dropped off a funeral home invoice on or around [REDACTED]. Petitioner testified that no one informed her of her right to submit an application for assistance. The Department's representative did not deny that this invoice was received, but testified that it was received on [REDACTED].

On the same day a person comes to the local office, a person has the right to file an application and get local office help to provide the minimum information for filing. The Department is responsible for informing people who inquire about available programs and their right to apply. An application must be registered with the receipt date if it contains the name of the applicant, birth date of the applicant, address of the applicant, and the signature of the authorized representative. Department of Health and Human Services Bridges Administrative Manual (BAM) 105 (January 1, 2018), pp 1-21.

When the Department receives an incomplete application, the Department is instructed to send the client a Verification Checklist (DHS-3503) requesting the missing information and providing a deadline to supply that information. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2018), p 5.

The Department's representative testified that the invoice was first received by the Department on [REDACTED], which was 13 days after Petitioner's body was cremated.

However, the Department failed to provide documentation of when that invoice was received. Petitioner credibly testified that she dropped off the invoice on or around [REDACTED], which was less than 10 days after Petitioner's body was cremated.

This Administrative Law Judge finds that Petitioner's authorized representative dropped off the minimal information necessary to register an application for SER burial assistance within 10 days of the date the body of cremated, and that the Department failed to request the information necessary to determine eligibility for SER burial assistance as required by BAM 115. Petitioner's testimony is consistent with the dates written on the invoice and no explanation was given for why she was not provided with an application form at that time.

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 did not act in accordance with Department policy when it failed to register an application for State Emergency Relief (SER) benefits when the funeral home invoice was first submitted to the Department. Therefore, the Department was not acting in accordance with policy when it denied the State Emergency Relief (SER) application.

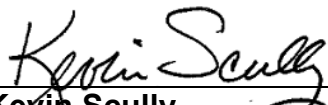
### **DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register Petitioner's application for State Emergency Relief (SER) and initiate a determination of the Petitioner's eligibility for State Emergency Relief (SER) benefits in accordance with policy.

KS/hb

  
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**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) 763-0155; 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**

Lauren Casper  
27690 Van Dyke  
Warren, MI 48093

Macomb County (District 20), DHHS

BSC4 via electronic mail

T. Bair via electronic mail

D. Holzhausen via electronic mail

**Petitioner**

[REDACTED]