



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: August 14, 2018  
MAHS Docket No.: 18-006683  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 9, 2018, from Lansing, Michigan. Petitioner was represented by her daughter [REDACTED]. Petitioner's son in law, [REDACTED], also appeared and testified. The Department of Health and Human Services (Department) was represented by Greg Folson, Hearing Facilitator. Department Exhibit 1, pp. 1-26 was received and admitted.

### **ISSUE**

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

### **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 away.
2. On [REDACTED], 2018, Jenoveva Perez, Petitioner's daughter, filed an application for SER for burial assistance.
3. On June 15, 2018, a State Emergency Relief Decision Notice was issued denying the application because "The total of the client contribution, the death benefit

amount and the funeral contract is greater than the total need amount.” (Exhibit 1, p. 21)

4. The Department representative stated at hearing that the SER application was denied because the total amount of the funeral contract exceeds \$4,000.00.
5. The total amount of the funeral contract was \$6,898.60. (Exhibit 1, p. 7)

### **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.

#### ***Denial***

Deny SER if contributions exceed \$4,000 **OR** if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution. ERM 306 p.9

In this case, the total amount of the funeral purchase contract was \$6,898.60. (Exhibit 1, p. 7) The maximum benefit for a memorial service with funeral is \$725.00. Contributions would exceed \$4,000.00 therefore the denial because the total amount of the funeral contract exceeds the limit is proper and correct. ERM 306

Petitioner’s representatives questioned why the total amount of funeral goods and services were considered because they were only requesting assistance with the burial and memorial service. Department policy requires a review of the entire funeral home contract regardless of what services are being provided.

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 SER application.

**DECISION AND ORDER**

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

AM/bb



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**Aaron McClintic**

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**

Mark Epps  
4809 Clio Road  
Flint, MI 48504

Genesee County (Clio Road), DHHS

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

**Authorized Hearing Rep.**

[REDACTED]  
MI [REDACTED]

**Petitioner**

[REDACTED]  
MI [REDACTED]