



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: September 10, 2018
MAHS Docket No.: 18-007480
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 3-way telephone hearing was held on September 10, 2018, from Detroit, Michigan. Petitioner appeared and was represented by [REDACTED], Petitioner's daughter. The Michigan Department of Health and Human Services (MDHHS) was represented by Marilyn McKinley, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for burial assistance under the State Emergency Relief (SER) program.

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 June 29, 2018, Petitioner applied for SER seeking assistance for burial costs for her late spouse. Exhibit A, pp. 5-23
2. On an unspecified date, Petitioner submitted a bill for her spouse's burial expenses. The total burial cost was \$ [REDACTED] Exhibit A, p. 24
3. On July 5, 2018, MDHHS denied Petitioner's SER application due to the burial expenses exceeding the maximum allowed.
4. On July 19, 2018, Petitioner requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a SER application denial concerning burial costs. MDHHS presented a State Emergency Relief Decision Notice (Exhibit A, pp. 25-27) dated July 5, 2018. The notice stated that Petitioner's application was denied because, "The total of the client contribution amount, the death benefit amount, and the funeral contract amount is greater than the total need amount." MDHHS testimony simplified the reasoning for denial by stating that the cost of Petitioner's spouse's funeral exceeded the cost allowed by policy.


Friends and relatives may supplement the SER burial payment in any amount up to \$4,000 for additional services. ERM 306 (January 2018), p. 8. MDHHS is to deny SER for burials if contributions exceed \$4,000 OR if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution. *Id.*, p. 9.

The cost of Petitioner's spouse's funeral exceeded \$10,000; the cost included burial with a memorial service. The SER maximum payment for a burial with a memorial service is \$725 (see *Id.*, p. 10). Subtracting the cost of the SER maximum payment from the funeral costs leaves Petitioner with well over \$9,000 in funeral expenses. MDHHS would consider this amount to be "family contributions". Because the family contributions for Spouse's burial cost exceeded \$4,000, MDHHS properly denied Petitioner's SER application for Spouse's burial.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for SER dated June 29, 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



Christian Gardocki
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

Alison Gordon
MDHHS-Barry-Hearings

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

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