



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: December 11, 2018
MAHS Docket No.: 18-010721
Agency No.: ██████████
Petitioner: ██████████

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 December 6, 2018, from Lansing, Michigan. The Petitioner was represented by his son ██████████ ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Melissa Brandt AP Supervisor. Michelle Campeau ES appeared and testified for the Department. Department Exhibit 1, pp. 1-14 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) burial services application?

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 ██████████ ██████████ 2018, Petitioner applied for SER- burial services benefit on behalf of his deceased sister.
2. On August 29, 2018, SER 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." (Ex. 1, pp. 9-10)
3. On ██████████ ██████████ ██████████ Petitioner requested hearing disputing the denial of SER.

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 (October 2017)

In this case, the total cost of the burial was \$ [REDACTED]. This was over the SER maximum payment allowed plus voluntary contribution. The family contributions also exceeded \$4,000. Therefore, the denial by the Department on those bases was proper and correct. ERM 306


Petitioner's representative testified that, based on the decedent's wishes, the cost of the burial was the least expensive services they could obtain. They inquired at other funeral homes and they were all more expensive. Petitioner's Representative testified that it would be a hardship for Petitioner or other family members to pay the outstanding balance to the funeral home. The undersigned Administrative Law Judge has no authority to override Department policy based on the individual circumstances of a beneficiary.

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 application for SER.

DECISION AND ORDER

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

AM/nr



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

Melissa Brandt
920 East Lincoln St
Ionia, MI
48846

Ionia County DHHS- via electronic mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

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