



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: March 13, 2019  
MAHS Docket No.: 18-012946  
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 March 7, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Valerie Foley Hearing Facilitator. Department Exhibit 1, pp. 1-15 was received and admitted.

**ISSUE**

Did the Department properly deny Petitioner's State Emergency Relief 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. Petitioner applied for SER on behalf of her deceased mother for burial expenses.
2. Petitioner paid \$6,772.44 by check to [REDACTED] on [REDACTED] 2018.
3. On September 28, 2018, a State Emergency Relief Notice was issued awarding benefits totaling \$390.
4. The Department paid \$145 to [REDACTED].
5. Petitioner requested that the remaining \$245 awarded by the Department be paid.
6. The Department refused to pay the \$245 because the total cost of the burial exceeded the maximum payment allowed.

7. On December 3, 2018, Petitioner requested hearing.

### **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, Petitioner applied for SER and was awarded \$390. The Department paid \$145 to [REDACTED]. The Department refused to pay the remaining \$245 because it discovered that the total cost of the burial exceeded the maximum payment allowed. The Department position is that the original award was Department error.

The Department provided a check from Petitioner paid to [REDACTED] in the amount of \$6,772.44. (Ex. 1, p.14) The Department provided invoices from [REDACTED] showing total costs of \$5,275.85 and \$6,772.44.

Contributions exceeded \$4,000 and the total cost of the burial exceeded the SER maximum payment allowed plus the voluntary contribution. Therefore, the denial was proper and correct. ERM 306

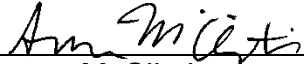
Petitioner argued that she detrimentally relied on the Department award notice and it has placed her in difficult financial circumstances. This is an equitable argument and the undersigned administrative law judge does not have equitable powers.

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 Robert Gordon, 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**

Susan Noel  
26355 Michigan Ave.  
Inkster, MI  
48141

Wayne 19 County DHHS- via electronic  
mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

**Authorized Hearing Rep.**

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

**Petitioner**

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