



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: April 18, 2019  
MAHS Docket No.: 19-001925  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 17, 2019, from Lansing, Michigan. ██████████ ██████████ Petitioner's surviving daughter and State Emergency Relief (SER) applicant, appeared for Petitioner. Lashona Callen, Assistance Payments Supervisor, appeared for the Department.

One exhibit was admitted into evidence during the hearing. A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly deny April Washington's request for 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. On February 12, 2019, ██████████ ██████████ paid for her mother's funeral and burial.
2. On February 19, 2019, ██████████ ██████████ applied for SER to get reimbursement for the funeral and burial expenses she paid.
3. On February 25, 2019, the Department issued a denial notice to ██████████ ██████████ to notify her that her request for SER was denied because the emergency had already been resolved.
4. On February 26, 2016, ██████████ ██████████ filed a hearing request to dispute the denial.

### **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.

SER is intended to help address essential needs in emergency situations. ERM 101 (March 1, 2013), p. 1. In order to be eligible to receive SER, an emergency must exist. ERM 101, p. 1. Here, [REDACTED] did not have an emergency when she applied for SER because she applied for SER to obtain reimbursement of burial expenses she had already paid. Since the burial expenses had already been paid, there was no existing emergency at the time of application. The Department properly denied the request for SER.


[REDACTED] asserted at the hearing that the Department's denial should be reversed because she was provided misinformation by the Department. As previously stated, the Department acted in accordance with its policies when it denied Petitioner's request. The Department is not expected to provide funeral planning advice. BAM 105 (January 1, 2019), p. 14. If [REDACTED] has a complaint about a caseworker, she must address that through the Department. A complaint regarding alleged misconduct or mistreatment by a caseworker shall not be considered through the administrative hearing process but shall instead be referred to the agency customer service unit. Mich Admin Code, R 792.11002(3).

### **DECISION AND ORDER**

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 act in accordance with its policies and the applicable law when it issued it denied [REDACTED] request for SER.

IT IS ORDERED that the Department's Decision is AFFIRMED.

JK/nr



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Jeffrey Kemm  
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**

Linda Gooden  
25620 W. 8 Mile Rd  
Southfield, MI  
48033

Oakland 3 County DHHS- via electronic mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

**Petitioner**

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