



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 18, 2019
MOAHR Docket No.: 19-004657
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 13, 2019, from Detroit, Michigan. Petitioner, who is deceased, was represented by [REDACTED], her son. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor, and [REDACTED].

ISSUE

Did the Department properly deny the request for State Emergency Relief (SER) assistance with burial?

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 April 11, 2019, Petitioner's son paid, via credit card, [REDACTED] to Hebrew Memorial Chapel for Petitioner's burial services (Exhibit A, pp. 11-12).
2. On April 17, 2019, Petitioner's son applied for SER assistance for Petitioner's burial (Exhibit A, pp. 6-9).
3. On April 18, 2019, the Department sent Petitioner's son a State Emergency Relief Decision Notice notifying him that the application was denied because the total of the client contribution amount, the death benefit amount, and the funeral contract amount was greater than the total need amount. (Exhibit A, pp. 13-14).

4. On April 30, 2019, the Department received a hearing request protesting the denial of SER assistance with burial (Exhibit A, pp. 2-5).

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.

As a preliminary matter, it is noted that, for SER assistance with burial services, any relative of the client can apply as an authorized representative. ERM 306 (February 2019), p. 1. Therefore, Petitioner's son had authority as an authorized representative to apply for SER burial benefits for her husband. ERM 102 (October 2013), p. 2, expressly provides that "any applicant" for SER services has the right to request a hearing regarding the Department's SER action. Because Department policy allowed Petitioner's son to apply for SER burial assistance, it follows that he has the right to request a hearing concerning the denial of such assistance. Accordingly, the issue of whether the Department properly denied the SER application for burial assistance was considered at the hearing.

Here, the Department testified that the April 17, 2019 application for SER burial assistance for Petitioner was denied because Petitioner's son had paid the funeral expenses at issue before the application was submitted to the Department and because his contribution towards those expenses exceeded \$4,000. ERM 103 (March 2013), p. 3 provides that the Department may not issue SER benefits to reimburse expenses incurred or paid without prior Department approval. It further provides that the SER payment must resolve the emergency. ERM 103, p. 3. A SER burial application must also be denied if contributions by friends and relatives towards funeral expenses 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's son acknowledged that he had paid the Petitioner's funeral expenses on April 11, 2019, as shown by the credit card receipt reflecting a payment of [REDACTED] to the funeral home and the funeral home statement showing an outstanding balance of [REDACTED] (Exhibit A, pp. 10-12). Because there was payment resulting in a [REDACTED] balance was made to the funeral home on April 11, 2019, before the SER application

was submitted on April 19, 2019, the contribution was more than \$4,000, and the emergency was resolved before the application was submitted, the Department acted in accordance with Department policy when it denied the application.

DECISION AND ORDER

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



AE/tm

Alice C. Elkin

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]