



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]
[REDACTED]

Date Mailed: August 20, 2019
MOAHR Docket No.: 19-007110
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 15, 2019 from Detroit, Michigan. Petitioner was represented by [REDACTED], Authorized Hearing Representative. The Department of Health and Human Services (Department) was represented by Kathleen Hopper, Assistance Payments Supervisor. During the hearing, a 15-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-15.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) assistance with burial expenses?

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 10, 2019, Petitioner died.
2. On [REDACTED], 2019, Petitioner's mother, [REDACTED] submitted to the Department an application for SER benefits for Petitioner's burial expenses. Along with the application, [REDACTED] submitted a form from a funeral home outlining the expenses associated with the burial. Exhibit A, p. 10.
3. Because the Department considered the documentation to be insufficient, the Department contacted the funeral home. On June 20, 2019, the funeral home

provided to the Department further documentation, including a contract signed by [REDACTED]. The contract indicated that the total cost would be \$5,168. Exhibit A, pp. 11-14.

4. On June 20, 2019, the Department issued to [REDACTED] a State Emergency Relief Decision Notice denying the application for SER benefits. The reason for the denial was stated as “the total of the client contribution amount, the death benefit amount, and the funeral contract amount is greater than the total need amount.” Exhibit A, pp. 8-9.
5. On [REDACTED], 2019, Ms. Delgado submitted to the Department a request for hearing disputing the Department’s decision.

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 (June 2019), p. 1. Therefore, Petitioner’s mother, [REDACTED], had authority as an authorized representative to apply for SER burial benefits for Petitioner. ERM 102 (October 2018), 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 mother to apply for SER burial assistance, it follows that she 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.

In this case, Petitioner’s mother submitted an application for SER benefits to the Department for assistance with Petitioner’s burial expenses. After the Department received the contract between [REDACTED] and the funeral home showing that the total cost was \$5,168, the Department denied the application because it determined that the total of the client contribution amount, the death benefit amount, and the funeral contact amount is greater than the total need amount.

SER assists with burial when the decedent’s estate, mandatory copays, etc. are not sufficient to pay for: (i) burial; (ii) cremation; (iii) costs associated with donation of a body to a medical school; (iv) cremation permit fee for an unclaimed body; or (v)

mileage costs for an eligible cremation of an unclaimed body. ERM 306, p. 1. The maximum SER payment for a burial with a memorial service is \$725. ERM 306, p. 10. Friends and relatives may supplement the SER burial payment in any amount up to \$4,000 for additional services. ERM 306, p. 8. The Department must deny the SER application if contributions exceed \$4,000 or if the total cost of burial exceeds the SER maximum payment allowed plus the voluntary contribution. ERM 306, p. 9.

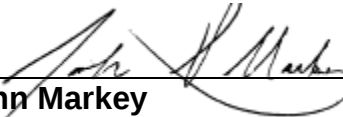
The contract provided by the funeral home and signed by [REDACTED] show that the total cost of the burial services added up to \$5,168. After taking the maximum SER amount out of that total, the remaining amount left to be paid would be \$4,443. That amount is a voluntary contribution by [REDACTED]. Because it is greater than \$4,000, the Department was required to deny the application, per Department policy.

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 the application for SER benefits to assist with Petitioner's burial expenses.

DECISION AND ORDER

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

JM/cg



John Markey
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

Via Email:

MDHHS-Oakland-4-Hearings
T. Bair
E. Holzhausen
BSC4- Hearing Decisions
MOAHR

**Petitioner –
Via First-Class Mail:**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Authorized Hearing Rep. –
Via First-Class Mail:**

[REDACTED]
[REDACTED]
[REDACTED]