



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 17, 2020
MOAHR Docket No.: 20-006950
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 December 10, 2020, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Rebecca Ferrill, AP Supervisor. Department Exhibit 1, pp. 1-12.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) 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 August 25, 2020, Petitioner's brother passed away. (Ex. 1, p.6)
2. On August 27, 2020, Petitioner paid \$ [REDACTED] in cash to Cremation Services North. (Ex.1, p.16)
3. On August 31, 2020, Petitioner applied for SER for burial services for his deceased brother. (Ex. 1, pp.10-15)
4. On August 31, 2020, an SER Decision Notice was sent to Petitioner informing him that his SER application was denied. The notice was sent to the wrong address.
5. On November 2, 2020, Petitioner requested hearing disputing the denial of his SER application. (Ex., 1, pp. 1-3)

6. On November 6, 2020, an SER Denial Notice was sent to Petitioner at his correct address. (Ex. 1, pp. 17-21)

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.

State Emergency Relief (SER) assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for: • Burial. • Cremation. • Costs associated with donation of a body to a medical school. • Cremation permit fee for an unclaimed body. • Mileage costs for an eligible cremation of an unclaimed body. ERM 306

In this case, Petitioner applied for SER burial services for his deceased brother on August 31, 2020. Petitioner paid for burial services out of his own pocket and from charitable sources on August 27, 2020, prior to applying for SER. Department policy dictates that burial services are not available for reimbursement of services already paid for because there is no emergency. ERM 306

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 SER application because the emergency was resolved.

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 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

Joleen Peck
701 S. Elmwood Suite 19
Traverse City, MI
49684


Grand Traverse County DHHS- via
electronic mail

BSC1- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

 - via first class mail
MI