



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: April 1, 2021
MOAHR Docket No.: 21-000898
Agency No.: ██████████
Petitioner: ██████ ██████

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 24, 2021, from Lansing, Michigan. The Petitioner was represented by his sister ██████████. The Department of Health and Human Services (Department) was represented by Megan Sterk and Olivia Szynski. Department Exhibit 1, pp. 1-33 was received and admitted.

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 ██████████ ██████████ 2021, ██████████ ██████████ filed an application for State Emergency Relief (SER) burial services on behalf of her deceased brother, the Petitioner, ██████████ ██████████
2. On January 13, 2021, an SER verification checklist was sent to ██████████ ██████████ at her address with a January 20, 2021, due date.
3. On January 26, 2021, an SER Decision Notice was sent to ██████████ ██████████ informing her that the application was denied for failing to verify required information. (Ex. 1, pp. 15-17)
4. On ██████████ ██████████ 2021, ██████████ ██████████ filed a second application for SER burial services on behalf of her brother ██████████ ██████████

5. On January 29, 2021, an SER Decision Notice was sent [REDACTED] [REDACTED] informing her that the 2nd application for SER was denied because “the application for SER must be submitted no longer than 10 business days after the burial, cremation or donation.” (Ex. 1, p.29)
6. On February 11, 2021, [REDACTED] [REDACTED] requested hearing contesting the denial of SER.

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.

Application

An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place.

VERIFICATION

- The case record must contain a statement of goods and services or the equivalent showing an itemization of all services provided, charges and payments made or expected. It must be signed by an employee of the funeral home and the person making the SER application. Funeral providers may submit more than one invoice to cover a decedent's funeral.

- **Note:** Do not duplicate payment or authorize payment for services/items not included on the invoice.

Note: No additional SER payments are made for oversize caskets; see ERM 209 and ES Program Standards.

- The case record must contain a signed statement from the friend/relative indicating the amount of their contribution. This must be obtained before SER payment may be made. If the statement of goods and services is properly itemized and signed by the applicant and funeral director (or designee) it would be considered the signed statement of contribution.

- If there is a surviving spouse who resided with the deceased person at the time of death, verification of the Social Security lump sum death benefit must be obtained prior to approval for any SER payment. Social Security Administration or the funeral director must provide a written statement verifying the amount expected.

- Value of the estate - written statements from knowledgeable sources (car dealers, tax statements, financial planners, attorneys, etc.).
- The case record must contain a signed and dated statement, on official letterhead, from the county medical examiner when a designee has been authorized to make burial or cremation arrangements for an unclaimed body. ERM 306

In this case, a verification checklist was sent to Ms. [REDACTED] at the address she provided to the Department. Ms. [REDACTED] testified that she did not receive the checklist. The Department provided proof that the verification checklist was sent to Ms. [REDACTED] address. Ms. [REDACTED] testified that she did not sign the statement of goods and services from the funeral home and that it was her niece that signed that document. Department policy requires that the person who signed the statement of goods and service be the person who requests State Emergency Relief. Petitioner's SER application was properly denied for failing to return verifications and could have been denied because the applicant was not the person who signed the statement of goods and services from the funeral home. 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 State Emergency Relief application for burial services.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge
for Elizabeth Hertel, 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

Lansing, Michigan 48909-8139

DHHS

Mariah Schaefer
3255 122nd Ave Ste 300
Allegan, MI 49010

Allegan County DHHS- via electronic mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Authorized Hearing Rep.

██████████ - via first class mail
██████████
██████████, MI ██████████

Petitioner

██████████ - via first class mail
██████████
██████████, MI ██████████