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GOVERNOR

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

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DIRECTOR

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Date Mailed: July 9, 2021
MOAHR Docket No.: 21-002038
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference on June 10, 2021. Petitioner was represented by an authorized hearing representative (AHR), ██████████ Petitioner's aunt.¹ The Michigan Department of Health and Human Services (MDHHS) was represented by Tiffany Hammon, specialist.

ISSUE

The issue is whether MDHHS properly processed Petitioner's AHR's request for State Emergency Relief- 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 ██████████, 2021, Petitioner's AHR submitted to MDHHS an application requesting SER for Petitioner's burial cost. Petitioner's AHR reported that Petitioner had no memorial service.
2. On January 26, 2021, MDHHS approved Petitioner for \$600 in burial expenses, subject to a \$235 copayment.

¹ During the hearing, Petitioner's AHR's call abruptly ended at 1:53 p.m. Approximately 17 minutes passed waiting for Petitioner's AHR to call, but she never did. After the hearing concluded, she emailed the Michigan Office of Administrative Hearings and Rules at 3:47 p.m. and 6:45 p.m. claiming to be waiting for the undersigned after being placed on hold.

3. On an unspecified date, MDHHS received a funeral bill for Petitioner listing costs totaling \$600, which included a memorial service.
4. On an unspecified date, MDHHS waived the SER copayment of \$235.
5. On March 11, 2021, Petitioner's specialist called the funeral home and was told that Petitioner did not have a memorial service.
6. On an unspecified date, MDHHS issued a [REDACTED] payment for Petitioner's funeral costs.
7. On [REDACTED] 2021, Petitioner's AHR requested a hearing to dispute the failure of MDHHS to pay \$235 for Petitioner's memorial service.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute an SER payment amount for Petitioner's funeral and cremation costs. A State Emergency Relief Decision Notice dated January 26, 2021, stated that MDHHS would pay \$[REDACTED] towards Petitioner's \$600 burial costs, subject to a copayment of \$235.² Exhibit A, pp. 13-14. MDHHS testified that it later waived the copayment. The result was that MDHHS paid \$[REDACTED] towards Petitioner's burial costs. Petitioner's AHR requested a hearing to dispute MDHHS's failure to pay \$235 for a memorial service. Exhibit A, pp. 3-5.

Covered SER burial services include memorial services. ERM 306 (October 2020) p. 4. 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. *Id.*, p. 9.

On an unspecified date, Petitioner submitted to MDHHS a bill from the funeral home listing \$600 in costs. Exhibit A, p. 12. The total charges included a memorial service. Petitioner's AHR contended that MDHHS should have processed the SER to include memorial service costs because the submitted bill verified the service.

MDHHS acknowledged receiving a \$600 bill which included memorial service charges. The bill conflicted with the SER application which reported there was no memorial service. Exhibit A, pp. 7-10. To resolve the conflict, Petitioner's specialist called the funeral home on March 11, 2021, and was told that Petitioner did not have a memorial

² "Burial" in this context is a reference to SER- burial services instead of a literal burial.

service. MDHHS's use of a collateral contact is an acceptable method for clarifying information. BAM 130 (January 2021) p. 2.


Unfortunately for Petitioner's AHR, no additional evidence was admitted because of her abrupt disconnection from the hearing. It should be noted that Petitioner's AHR sent a flyer for Petitioner's service which is highly indicative that a memorial service was held and that MDHHS was given incorrect information by the funeral home. If MDHHS can verify that Petitioner indeed had a memorial service, it is highly encouraged to reprocess Petitioner's SER given and issue SER payment accordingly.³ Based on the evidence presented during the hearing, MDHHS properly processed Petitioner's SER.

³ Doing so may save MDHHS the trouble of a rehearing should Petitioner's AHR request one.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly processed Petitioner's SER application for burial dated [REDACTED] 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki
Administrative Law Judge

