



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: September 27, 2021
MOAHR Docket No.: 21-003316
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 1, 2021. Petitioner was represented by her authorized representative ██████ ██████

The Department was represented by Mark Logan and Brandon Kimble.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner’s application for State Emergency Relief (SER) assistance?

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 ██████ ██████ ██████ the Department received Petitioner’s State Emergency Relief (SER) application requesting assistance with burial expenses.
2. Petitioner passed on January 9, 2021, and the date of burial was January 20, 2021.
3. On January 29, 2021, the Department discovered through a collateral contact with the funeral home that funeral expenses had been paid in full.
4. On January 29, 2021, the Department notified Petitioner that the State Emergency Relief (SER) application had been denied.
5. On March 31, 2021, the Department received a request for a hearing protesting the denial of the ██████ ██████ ██████ State Emergency Relief (SER) application.

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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

State Emergency Relief (SER) prevents serious harm to individuals and families. Applicants must have an emergency that can be resolved through the issuance of SER assistance, and to take action within their ability to help themselves. Department of Health and Human Services Emergency Relief Manual (ERM) 101 (March 1, 2013), p 1.

Covered SER burial services include any goods or services normally provided to bury, cremate or donate a human body. Any relative may apply for SER burial benefits as an authorized representative. Department of Health and Human Services Emergency Relief Manual (ERM) 306 (October 1, 2020), p 1.

On [REDACTED] [REDACTED] [REDACTED] the Department received Petitioner's SER application requesting assistance with burial expenses. On January 29, 2021, the Department discovered that the burial expenses had been paid in full. On January 29, 2021, the Department denied the SER application.


Applicants for SER assistance have a duty to take action within their ability to help themselves. In this case, the burial expenses were paid in full, and there was no emergency that SER assistance would resolve. Therefore, the Department denied the application.

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 State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

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

Authorized Hearing Rep.

██████████ - via first class mail
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