



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: October 13, 2021
MOAHR Docket No.: 21-003778
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 15, 2021. Petitioner was represented by his authorized representative ██████████ ██████████. The Department was represented by Grisel Pena and Marlon Dorsey.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility 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 received monthly Supplemental Security Income (SSI) in the gross monthly amount of \$██████████.
3. On July 26, 2021, the Department notified Petitioner that she State Emergency Relief (SER) application had been approved with a \$105 copayment for cemetery/crematory expenses and a \$1,285.70 copayment for funeral director expenses, and that the Department would pay a total of \$250.
4. On August 6, 2021, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance.

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) assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for burial expenses. The maximum payment for SER burial services for cremation with memorial service is \$600. Department of Health and Human Services Emergency Relief Manual (ERM) 306 (October 1, 2021).

The SER budget computation period is 30 days. This is referred to as the countable income period. The first day of the countable income period is the date the local office receives a signed application for SER. Department of Health and Human Services Emergency Relief Manual (ERM) 206 (November 1, 2019).

SER group members must use their available income and cash assets that will help resolve the emergency. A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed \$445 income need standard for all non-energy services. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2021).

On July 22, 2021, Petitioner's authorized representative filed an application for SER assistance with burial expenses. Petitioner received SSI benefits in the gross monthly amount of \$█ during the budget computation period. The Department reduced this amount by the \$445 income need standard as directed by ERM 208 to determine that there would be a \$350 co-payment. Petitioner was entitled to SER benefits of \$250, which was determined by reducing the \$600 maximum benefit by the \$350 copayment.

Petitioner's authorized representative testified that Petitioner's income had been increased by the Social Security Administration in the month that he passed away and was not an indication of his income before that.

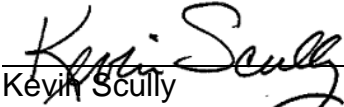
However, Department policy requires that eligibility for SER benefits be determined by all income received during the computation, which would have included Petitioner's SSI benefits in the 30 days prior to the Department receiving his application for assistance. The Department was acting in accordance with its policies when it determined to copayment amount and Administrative Law Judges have no authority to make exceptions to the department policy set out in the program manuals.

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 determined Petitioner's eligibility 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

Authorized Hearing Rep.

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

Petitioner

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