



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: December 13, 2021
MOAHR Docket No.: 21-005023
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 December 8, 2021. Petitioner was represented by ██████████ ██████████. The Department was represented by Tamia McGlothin and Jennifer Griswold.

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 burial assistance. Exhibit A, pp 11-14.
2. The Department’s asset detection program detected the existence of bank accounts owned by Petitioner. Exhibit A, p 18.
3. On September 28, 2021, the Department sent Petitioner a SER Verification Checklist (DHS-3503-SER) requesting verification of burial expenses, and verification of bank accounts by October 5, 2021. Exhibit A, pp 15-16.
4. On October 5, 2021, the Department received an unsigned invoice of funeral goods and services. Exhibit A, pp 17-20.
5. On October 6, 2021, the Department denied the ██████████ ██████████ application. Exhibit A, pp 21-22.

6. On October 18, 2021, the Department received a request for a hearing from Petitioner's representative protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, pp 4-5.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2021), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (July 1, 2021), pp 1-10.

State Emergency Relief (SER) assists with burial when the decedent's estate is not sufficient. Department of Health and Human Services Emergency Relief Manual (ERM) 306 (October 1, 2021), p 1.

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. ERM 306, p 9.

On September 24, 2021, the Department received a request for assistance from Petitioner's representative for assistance with Petitioner's burial expenses. On September 28, 2021, the Department requested that the representative provide verification of burial expenses and Petitioner's bank accounts.

On October 5, 2021, the Department received an invoice of funeral goods and services that was not signed by Petitioner's representative.

Department policy requires that the case record must contain a statement of goods and services that is signed by an employee of the funeral home and the person making the SER application. ERM 306. The hearing record supports a finding that the document submitted by the representative was insufficient verification of funeral expenses.

Petitioner's representative testified that Petitioner's bank accounts had been closed at the time verification was requested and that there were no assets to verify.

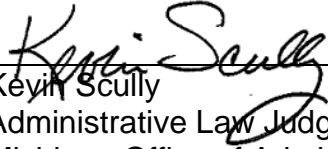
However, there was a duty to use estate resources towards funeral expenses and to provide the Department with verification of all available assets if those assets were insufficient. If those bank accounts had been closed, then verification of the closed accounts was required. The hearing record supports a finding that the verification requested on September 28, 2021, was not submitted in a timely manner.

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 State Emergency Relief (SER) application for failure to provide the Department with information necessary to determine eligibility to receive 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

██████████

██████████

██████████, MI ██████████

Authorized Hearing Rep.

██████████ - via first class mail

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██████████, MI ██████████