



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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Date Mailed: February 3, 2023  
MOAHR Docket No.: 22-005355  
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 line on January 30, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Ryan Kennedy, hearings facilitator.

**ISSUE**

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application for burial services.

**FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of October 2022, Petitioner's sister, ██████████ (Decedent), received \$██████ in monthly Retirement, Survivors, Disability Insurance (RSDI) as an unmarried individual without minor children in the household.
2. On ██████████ 2022, Decedent passed away.
3. On ██████████ 2022, Petitioner applied for SER seeking burial costs for Decedent.
4. On October 7, 2022, MDHHS received verification of \$600 in funeral costs for Decedent. Exhibit A, p. 12.
5. On October 11, 2022, MDHHS denied SER due to an income copayment exceeding the requested expenses.

6. On November 15, 2022, Petitioner requested a hearing to dispute the denial of SER.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER. Exhibit A, pp. 3-4. Petitioner applied for SER on October 7, 2022, seeking burial costs for her recently deceased sister.<sup>1</sup> Exhibit A, pp. 6-8. On October 11, 2022, MDHHS denied burial costs for Decedent due to an income copayment exceeding the requested need. Exhibit A, pp. 13-15.

SER assists with burial when the decedent's estate is not sufficient to pay for costs of burial costs. ERM 306 (October 2022) p. 1. The maximum SER payment for cremation is \$145. *Id.*, p. 10. The maximum SER payment for a funeral service with cremation is \$455. *Id.*

MDHHS is to factor the income received by the decedent and the group members during the countable income period to determine the income copayment. *Id.*, p. 8. The SER countable income period is 30 days and begins with the date the local office receives a signed application for SER. ERM 206 (November 2019) p. 1. Actual net RSDI received is countable. *Id.*, p. 7.

A group is income-eligible for non-energy SER services 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 the Income Need Standard. ERM 208 (October 2022) p. 1. Income exceeding the Income Need Standard for the group must be deducted from the cost of resolving the emergency; this amount is the income copayment. *Id.*

Presumably, Decedent was unmarried and without minor children in the household as MDHHS factored a group size of one for Decedent. The Income Need Standard for a one-person SER group is \$455. *Id.*

It was not disputed that Decedent received monthly net RSDI of \$[REDACTED]. Subtracting the Income Need Standard of \$455 from Decedent's countable income results in an income copayment of \$608.

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<sup>1</sup> Petitioner's testimony referenced an earlier SER application which included Petitioner's income and information, rather than her sister's. Petitioner initially contended that MDHHS erred by determining eligibility based on Petitioner's income and information. Ultimately, the earlier application was irrelevant because MDHHS processed the SER application dated October 7, 2022, based on Decedent's income and information.

On October 7, 2022, Petitioner submitted to MDHHS funeral costs for Decedent totaling \$600. Exhibit A, pp. 11-12. Because Decedent's income copayment exceeded the requested funeral expense need, Decedent is ineligible for SER. Thus, MDHHS properly denied the SER application for Decedent's burial expenses.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application dated October 7, 2022, requesting burial services. The actions taken by MDHHS are **AFFIRMED**.

CG/mp

  
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**Christian Gardocki**  
Administrative Law Judge

**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

**Via-Electronic Mail :**

**DHHS**  
MDHHS-Macomb-12-Hearings  
L. Karadsheh  
K. Schulze  
MOAHR  
BSC4

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]