



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: January 19, 2023  
MOAHR Docket No.: 22-005481  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 22, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Misty Maschino.

### **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. Petitioner representative filed a State Emergency Relief (SER) application requesting assistance with burial expenses.
2. On November 2, 2022, the Department requested verification of the amount being requested for burial services.
3. The Department received an invoice showing that the burial expenses had been paid by a family member.
4. On December 1, 2022, the Department notified Petitioner's representative that the State Emergency Relief (SER) application had been denied.
5. On November 17, 2022, 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 expenses when the decedent's estate, mandatory copays, etc. are not sufficient. Department of Health and Human Services Emergency Relief Manual (ERM) 306 (October 1, 2022), p 1.

Petitioner's representative applied for SER assistance with burial expenses. The Department requested an invoice showing the amount of expenses incurred. The invoice that was submitted showed that burial expenses had been paid by a family member. The Department then notified Petitioner's representative that the SER application had been denied.

The hearing record supports a finding that the burial expenses had been paid, and that there was no emergency that could be resolved by SER benefits because the emergency situation had already been resolved.

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

**Via-Electronic Mail :**

**DHHS**  
Misty Maschino  
Barry County DHHS  
430 Barfield Drive  
Hastings, MI 49058  
**MDHHS-Barry-  
Hearings@michigan.gov**

**Interested Parties**  
Barry County DHHS  
BSC3  
K. Schulze  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

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