



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]
[REDACTED] MI [REDACTED]

Date Mailed: January 20, 2023
MOAHR Docket No.: 22-005497
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 telephone hearing was held on December 22, 2022, from Lansing, Michigan. The Petitioner was represented by [REDACTED] Spouse. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-13 and Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-3.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2022 State Emergency Relief (SER) application for burial 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 passed away on [REDACTED] 2022 and her funeral service was October 19, 2022. (Exhibit A, p. 8)
2. On [REDACTED] 2022, Petitioner's spouse applied for SER for burial assistance and noted that if the application was denied he wanted to request a hearing and that someone had already requested burial without his permission. (Exhibit A, pp. 3-6)

3. On December 1, 2022, a Benefit Notice was issued stating the request for assistance was denied because the [REDACTED] 2022 request for SER was more than 10 days after the funeral service. (Exhibit A, pp. 9-12)

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-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place. ERM 306, October 1, 2022, p. 1.

In this case, Petitioner's spouse applied for SER for burial assistance on [REDACTED] 2022. (Exhibit A, pp. 3-6) However, pursuant to the above ERM 306 policy, the application for SER burial must be made no later than 10 business days after the date the burial, cremation, or donation takes place. Petitioner passed away on [REDACTED] 2022 and her funeral service was October 19, 2022. (Exhibit A, p. 8) Accordingly, the denial of the [REDACTED] 2022 SER application must be upheld because it had been more than 10 business days since her funeral service.

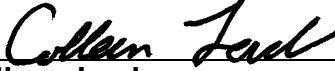
Petitioner's spouse noted that there had been a prior application for burial assistance, which was made without his approval. (Exhibit A, pp. 3-6) The Hearing Facilitator explained that there had been a prior application for SER for burial assistance for Petitioner on [REDACTED] 2022. Pursuant to ERM 306, several people may apply for SER for burial assistance, including any relative. ERM 306, October 1, 2022, p. 1. Further, the person that submitted this application reported that money raised from a Go Fund Me paid the entire bill, therefore there was no longer a need for SER. Accordingly, the [REDACTED] 2022 application was denied on October 12, 2022. Petitioner's spouse testified that the Go Fund Me paid for all but \$700.00 of the funeral service. (Spouse Testimony) However, the Department properly relied upon the available information when it denied the [REDACTED] 2022 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 Petitioner's [REDACTED] 2022 State Emergency Relief (SER) application for burial assistance.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CL/ml



Colleen Lack
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
Elisa Daly
411 East Genesee
Saginaw, MI 48607
**MDHHS-Saginaw-
Hearings@michigan.gov**

Interested Parties
BSC2
K Schulze
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MOAHR

Via First Class Mail :

Authorized Hearing Rep.

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