



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: February 3, 2023  
MOAHR Docket No.: 22-006179  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 February 2, 2023, via conference line. Petitioner, [REDACTED] was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Yvonne Jasper, Family Independence Manager.

### **ISSUE**

Did the Department properly deny the application for State Emergency Relief (SER) benefits that was submitted on Petitioner's behalf?

### **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 [REDACTED], 2022, Petitioner's son died.
2. On [REDACTED] 2022, Petitioner submitted an application for SER benefits for her son's burial expenses (Exhibit A, pp. 6-12).
3. On December 5, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that the application for SER benefits was denied for the client contribution, total death benefit amount, and the funeral contract amount exceeding the total need amount (Exhibit A, pp. 13-14).
4. On December 22, 2022, Petitioner submitted a request for hearing disputing the Department's actions.

## 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.

In the present case, Petitioner submitted an application for SER benefits for her son's burial expenses in the amount of \$4,725. The Department testified the application was denied because the client contribution amount, total death benefit amount, and the funeral contract amount exceeded the total need amount.

SER assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for: (i) burial; (ii) cremation; (iii) costs associated with donation of a body to a medical school; (iv) cremation permit fee for an unclaimed body; or (v) mileage costs for an eligible cremation of an unclaimed body. ERM 306, p. 1. Friends and relatives may supplement the SER burial payment in any amount up to \$4,000 for additional services. ERM 306, p. 8. There must be a signed statement from the friend/relative indicating the amount of their contribution. ERM 306, p. 8. The Department will deny an SER application if contributions exceed \$4,000 OR if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution. ERM 306, p. 8. The maximum amount allowed for cremation and memorial services is \$600. ERM 306, p. 10. Certain conditions must be met before SER can be issued to help individuals and families. ERM 103 (January 2018), p. 3. Prior written or oral approval must be given by an authorized Department staff person before SER issuance. ERM 103, p. 3. The SER payment must resolve the emergency. ERM 103, p. 3. The Department will not issue SER to reimburse expenses incurred or paid without Department approval. ERM 103, p. 3. 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. ERM 306, p. 9. It must be signed by an employee of the funeral home and the person making the SER application. ERM 306, p. 9. Funeral providers may submit more than one invoice to cover a decedent's funeral. ERM 306, p. 9.

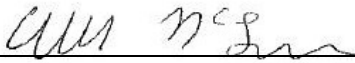
Per the [REDACTED] 2022 application, Petitioner requested \$4,725 for cremation and memorial services for her son. The maximum allowed by policy for cremation with memorial services is \$600. ERM 306, p. 10. Therefore, to fully pay for the services, the family would have to contribute \$4,125. Family contributions cannot exceed \$4,000. Therefore, the Department properly denied the SER application. Additionally, Petitioner testified that she paid for the costs in advance of the funeral that took place on

November 26, 2022. Policy specifically states the Department will not reimburse expenses paid without prior Department approval.

**DECISION AND ORDER**

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

EM/ml

  
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**Ellen McLemore**  
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**  
Tara Roland 82-17  
Wayne-Greenfield/Joy-DHHS  
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**Interested Parties**

BSC4  
K Schulze  
E Holzhausen  
MOAHR

**Via First Class Mail :**

**Petitioner**

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