



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: June 12, 2023
MOAHR Docket No.: 23-002619
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 June 6, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Brad Reno Hearing Facilitator. Department Exhibit 1, pp. 1-32 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for burial/ cremation services 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 November 21, 2022, Petitioner's wife [REDACTED] [REDACTED] passed away.
2. On December 13, 2022, Petitioner's wife cremation/burial took place.
3. On [REDACTED] [REDACTED] 2023, Petitioner requested State Emergency Relief for cremation/burial services assistance.
4. On April 27, 2023, Petitioner requested hearing disputing the denial of SER.
5. On May 12, 2023, a Benefit Notice was sent to Petitioner informing him that his SER application was denied.

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.

Application

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

In this case, Petitioner applied for SER for cremation/burial services for his deceased wife on [REDACTED] 2023. Petitioner's wife passed away on November 21, 2022. Petitioner incurred burial/cremation expenses on December 13, 2022. Petitioner testified at hearing that he was grieving and was not aware that he was required to request SER for cremation/burial services within 10 days. Department policy requires that applications for cremation/burial services be filed within 10 days of the date of service. Petitioners' application was filed well past 10 days after the services; therefore, the denial was proper and correct and consistent with Department policy. ERM 306 The undersigned administrative law judge does not have the authority to override Department policy due to the individual circumstances of an applicant.

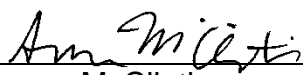
The Department representative acknowledged at hearing that Petitioner should have been given a denial notice before May 12, 2023.

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 Petitioners' SER application for cremation/burial services because the application was filed more than 10 days after the cremation/burial took place.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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
Janice Collins
Genesee County DHHS Union St
District Office
125 E. Union St 7th Floor
Flint, MI 48502
**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

Interested Parties
Genesee Union St. County DHHS
BSC2
J. McLaughlin
T. Bair
MOAHR

Via-First Class Mail :

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