



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

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

Date Mailed: November 1, 2023
MOAHR Docket No.: 23-005337
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on October 4, 2023, via teleconference. Petitioner, [REDACTED] [REDACTED] appeared and represented herself. Sara Estes, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's request for State Emergency Relief (SER) 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. On [REDACTED] [REDACTED] 2023, Petitioner requested SER burial assistance for her husband, David May (Decedent) (Exhibit A, p. 6). Petitioner requested \$7,000.00 to cover burial and cremation costs (Exhibit A, p. 8). Petitioner indicated that the total cost of the burial was \$7,464.70 (Exhibit A, p. 8).
2. On August 4, 2023, MDHHS sent Petitioner a State Emergency Relief Decision Notice indicating that her request for SER services was denied because the total of the client contribution amount, the death benefit amount, and the funeral contract amount was greater than the total need amount (Exhibit A, pp. 15-16).

3. On August 24, 2023, Petitioner requested a hearing to dispute MDHHS' determination regarding her application for SER (Exhibit A, p. 5).

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. SER is administered by MDHHS pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied Petitioner's request for SER burial assistance because the total cost of the burial exceeded the SER maximum payment allowed, plus the voluntary contributions.

SER provides burial assistance when the decedent's estate is not sufficient to pay for burial, cremation, and other costs. ERM 306 (October 2022), p. 1. Any relative may apply for SER burial assistance as an authorized representative (AR). *Id.* To determine eligibility for SER burial assistance, MDHHS must determine the SER group composition. ERM 201 (October 2020), p. 1. A single SER group consists of persons who occupy the same home. *Id.* Home means the place where the members of the SER group keep their personal belongings and sleep. *Id.* Adults and dependent children who normally live together are in the same SER group. *Id.* Persons temporarily absent due to illness or employment are in the same group. *Id.* For SER burials, the deceased person is an included group member; 18 to 21-year-old children of the deceased parents of the burial group are not. *Id.*

In determining co-payments for SER burial benefits, MDHHS must determine the decedent's responsible relatives based on relationship to the decedent and whether decedent and the relatives were living together at the time of death. *Id.*, pp. 4-5. A spouse is considered a responsible relative for another spouse and parents are responsible relatives for their children and stepchildren under age 18. *Id.* Responsible relatives who have been absent for the home for at least 90 days are not part of the SER group. *Id.*

Friends and relatives may supplement SER burial payment in any amount up to \$4,000.00 for additional services. ERM 306, p. 8. There must be a signed statement from the friend or relative indicating the amount of their contribution. *Id.* The contribution does not have to be paid prior to the SER payment authorization. *Id.* MDHHS must deny the SER application if the friends and relatives contributions exceed \$4,000.00 or if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contributions. *Id.*, p. 9.

Here, MDHHS determined that Petitioner was ineligible for SER because the total cost of the funeral was greater than the SER maximum payment allowed plus voluntary contributions. It is undisputed that the total cost of the funeral and burial services was \$7,464.70 (Exhibit A, p. 13). MDHHS testified that the maximum SER amount authorized by policy was \$765.00 for a burial with a memorial service. ERM 306, p. 10. Pursuant to policy, the maximum voluntary contribution is \$4,000.00. ERM 306, p. 8. Adding together the maximum SER amount of \$765.00 and the maximum voluntary contribution of \$4,000.00 equals \$4,765.00, which is less than the total amount of the funeral. Therefore, Petitioner is not eligible for SER.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's request for SER for burial services.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.



LJ/nr

Linda Jordan
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]

Authorized Hearing Rep.

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