



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
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 19, 2024
MOAHR Docket No.: 24-001466
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On February 8, 2024, [REDACTED] [REDACTED] requested a hearing for the deceased petitioner, [REDACTED] [REDACTED] to dispute the Department's decision to deny State Emergency Relief (SER) for burial assistance. As a result, a hearing was scheduled to be held on March 14, 2024, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. [REDACTED] [REDACTED] appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Cathy Burr, Assistance Payments Supervisor, and Shavval Barnes, Assistance Payments Worker.

A 32-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied [REDACTED] [REDACTED] request for SER 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. On January 16, 2024, [REDACTED] [REDACTED] passed away.
2. On January 18, 2024, [REDACTED] [REDACTED] entered into an irrevocable funeral contract with Ochalek-Stark Funeral Home. In the contract, Ochalek-Stark Funeral Home agreed to provide an immediate burial, and [REDACTED] [REDACTED] agreed to pay \$7,959.70 in exchange.

3. On [REDACTED] [REDACTED] 2024, [REDACTED] [REDACTED] applied for SER for burial assistance.
4. [REDACTED] [REDACTED] requested \$2,245.00 in cemetery costs and \$2,450.00 in funeral director costs.
5. The Department reviewed the SER application and determined that it was required to deny the application because the total of the client contribution amount, the death benefit amount, and the funeral contract amount is greater than the total need amount.
6. On January 29, 2024, the Department mailed a SER Decision Notice denying [REDACTED] [REDACTED] application for SER for burial assistance.
7. On February 8, 2024, [REDACTED] [REDACTED] requested a hearing to dispute the Department's denial.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services 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.

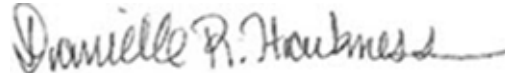
State Emergency Relief assists with burial expenses when the decedent's estate, mandatory copays, etc. are not sufficient to pay for covered expenses. ERM 306 (October 1, 2023), p.1. Where an irrevocable funeral agreement exists, the maximum amount of SER available is \$245.00. *Id.* at 11. Friends and relatives may supplement the SER burial payment in any amount up to \$4,000.00 for additional services. *Id.* at 8. However, when contributions exceed \$4,000.00, the Department must deny SER. *Id.* at 9.

In this case, [REDACTED] [REDACTED] requested \$2,245.00 in cemetery costs and \$2,450.00 in funeral director costs. The total amount requested was \$4,695.00 (\$2,245.00 + \$2,450.00 = \$4,695.00). The Department's payment maximum is \$245.00 resulting in a family contribution of \$4,450.00 (\$4,695.00 - \$245.00 = \$4,450.00), which exceeds the maximum amount. Therefore, the Department was required to deny SER.

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 its policies and the applicable law when it denied [REDACTED] [REDACTED] request for SER for burial assistance.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



DH/nr

Danielle R. Harkness
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

Trista Waishkey
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
**MDHHS-Washtenaw-
Hearings@michigan.gov**

Interested Parties

Washtenaw County DHHS
BSC4
J. Mclaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

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

Authorized Hearing Rep.

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