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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
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Date Mailed: May 30, 2024  
MOAHR Docket No.: 24-002993  
Agency No.: ██████████  
Petitioner: ██████████

**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 May 1, 2024, via teleconference. ██████████ (Authorized Representative (AR)) appeared on behalf of Decedent, ██████████ Hannah Czechowski, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted as evidence at the hearing as MDHHS Exhibit A, pp. 1-30.

### **ISSUE**

Did MDHHS properly deny Petitioner's application for State Emergency Relief (SER) 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 ██████████ 2023, ██████████ (Decedent) passed away.
2. On or about ██████████ 2023, Authorized Representative (AR) went to the MDHHS local office to inquire about SER for burial services and obtained an application for SER.
3. On ██████████ 2023, there was a burial service for Decedent.
4. On ██████████ 2024, AR filed an application for SER burial services on behalf of Decedent (Exhibit A, p. 6).
5. On ██████████ 2024, MDHHS completed a telephone interview with AR (Exhibit A, p. 16).

6. On [REDACTED] 2024, MDHHS sent AR a State Emergency Relief Decision Notice, indicating that the application for SER was denied (Exhibit A, p. 23).
7. On March 18, 2024, AR filed a request for hearing to dispute the denial of the application for SER (Exhibit A, pp. 3-4).

### **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. MDHHS administers SER pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied AR's application for SER burial services. Although the reason for the denial was not included on the Notice of Case Action, MDHHS clarified at the hearing that AR's application was denied because it was not filed by the 10-day deadline, and was therefore, untimely.

SER provides burial assistance when the decedent's estate is not sufficient to pay for burial, cremation, and other costs. ERM 306 (October 2023), p. 1. An application for burial services must be made no later than 10 business days after the burial, cremation or donation takes place. ERM 103 (October 2023), p. 2. MDHHS staff must clearly explain SER burial eligibility requirements and program payment limits to any person making an inquiry. ERM 306, p. 1. This includes the requirement that the application for SER burial must be submitted no later than 10 business days after burial, cremation or donation. *Id.* Any relative may apply for SER burial assistance as an authorized representative (AR). *Id.*

Here, MDHHS alleged that the application as not filed timely because the burial of Decedent was on [REDACTED], 2023 and it did not receive the SER application for burial services until February 12, 2024, which was beyond the 10-day deadline. At the hearing, AR testified that she went to the local MDHHS office to inquire about SER burial services a few days after Decedent passed away, on or about [REDACTED] 2023, and while she was there, she was given an application for SER by an MDHHS representative. She further testified that she did not know that there was a deadline for submitting the application and that the MDHHS representative did not tell her about the deadline during this exchange. AR's testimony was credible and unrebutted by MDHHS.

MDHHS is required to inform clients regarding the 10-day deadline for SER burial services and it failed to demonstrate that it did so in this case.

Therefore, 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

failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied AR's application for SER services.

**DECISION AND ORDER**

Accordingly, MDHHS' decision is **REVERSED**. MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister AR's [REDACTED] 2024 application for SER burial services and reprocess the application as if filed timely;
2. If eligible, issue SER payments to AR or the service provider based on the [REDACTED] 2024 application; and
3. Notify AR of its decision in writing.



LJ/pt

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**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**

Susan Derseweh  
Genesee County DHHS Clio Rd Dist.  
4809 Clio Road  
Flint, MI 48504

**MDHHS-Genesee-Clio-Hearings@michigan.gov**

**Interested Parties**

BSC2  
J. McLaughlin  
E. Holzhausen  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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**Authorized Hearing Rep.**

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