



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: June 6, 2024
MOAHR Docket No.: 24-004202
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on May 29, 2024. Petitioner did not participate as he was recently deceased. [REDACTED] [REDACTED] Petitioner's mother, participated as Petitioner's authorized hearing representative (AHR)/ The Michigan Department of Health and Human Services (MDHHS) was represented by Tamara Northington, specialist, and Corlette Brown, hearings facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for State Emergency Relief (SER)- burial.

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] 2024, Petitioner's AHR applied for SER-Burial seeking assistance with Petitioner's burial costs.
2. On March 8, 2024, MDHHS mailed Petitioner's AHR a Verification Checklist (VCL) requesting proof of identity by March 18, 2024.
3. On March 20, 2024, MDHHS denied the application for SER due to Petitioner's AHR's failure to verify identity.

4. On April 1, 2024, Petitioner's AHR returned to MDHHS copies of her driver's license.
5. On April 12, 2024, Petitioner's AHR requested a hearing to dispute the denial of SER-Burial.

CONCLUSIONS OF LAW

The 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. SER policies are contained in the Emergency Relief Manual (ERM).

Petitioner's AHR requested a hearing to dispute a denial of SER. Exhibit A, pp. 3-5. Petitioner's AHR applied for SER on [REDACTED] 2024, seeking burial expenses for her recently deceased son. Exhibit A, pp. 8-19. A State Emergency Relief Decision Notice dated March 20, 2024, stated that SER-Burial was denied due to Petitioner's failure to verify information. Exhibit A., pp. 27-29. MDHHS testimony specified that Petitioner's AHR failed to verify identity.

For SER, the client's identity must be verified. ERM 103 (October 2023) p. 7 If an authorized representative (AR) applies on behalf of a group, the AR must verify his or her own and the client's identity. *Id.*

For SER, MDHHS is to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client or AR of the due date for returning verification. ERM 103 (October 2021) p. 6. The due date is eight calendar days from the date of mailing. *Id.*, p. 5.

MDHHS sent Petitioner's AHR, also Petitioner's AR/AHR, a VCL requesting verification of AHR's identity on March 8, 2024. Exhibit A, pp. 21-23. Petitioner's AHR was given 10 days (more than the required eight) to return verification. MDHHS did not receive verification of Petitioner's AHR's identification until April 1, 2024. Exhibit A, p.p. 31-32.

Petitioner's AHR contended that she returned proof of identity late only because she was unaware that MDHHS required proof of identity. Petitioner's AHR also contended that she first learned that she was required to return proof of identity from the SER denial notice.

Petitioner's AHR's testimony implies that she did not receive the VCL which would be a reasonable excuse for failing to timely verify identity. However, Petitioner's AHR's statement of learning of the need to verify identity from the denial notice is questionable. The denial notice indeed stated that Petitioner failed to verify information, but it did not specify identity as being unverified. Petitioner's AHR could not explain how she knew that identity needed to be verified from a denial notice that was silent on the issue.

The evidence established that Petitioner's AHR failed to timely verify identity. Thus, MDHHS properly denied Petitioner's SER-Burial application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's AHR's application for SER dated [REDACTED] 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

Keisha Koger-Roper
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-
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Interested Parties

Wayne 31 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]