



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: April 15, 2022
MOAHR Docket No.: 21-006203
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 March 16, 2022, from Detroit, Michigan. Petitioner is deceased. Petitioner was represented by her daughter [REDACTED] [REDACTED] Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Rhonda Barley, Specialist and Sonya Tankersley, Supervisor.

ISSUE

Did the Department properly deny Petitioner's request for State Emergency Relief (SER) assistance with 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 or around [REDACTED] [REDACTED] Petitioner passed away. (Exhibit A, p.9)
2. On or around [REDACTED] [REDACTED] Ms. [REDACTED] filed an application for SER assistance with burial/cremation services and mistakenly identified the decedent on the application as her brother [REDACTED] [REDACTED] who had previously died and had an SER application submitted on his behalf.
3. On or around November 23, 2021, the Department verbally informed Ms. [REDACTED] that because she did not identify Petitioner as the decedent, the [REDACTED] [REDACTED] SER application could not be processed, and she was required

to submit a second application which correctly indicated that the request for SER assistance was being made on behalf of Petitioner.

4. On or around [REDACTED] [REDACTED] [REDACTED] an application for SER assistance with burial/cremation services was submitted on Petitioner's behalf by Ms. [REDACTED]
5. In connection with the SER application, Mrs. [REDACTED] provided the Department with a statement from the [REDACTED] Funeral Home showing that the total cost of the merchandise and services associated with Petitioner's funeral, burial, and service was \$ [REDACTED] (Exhibit A, p.9)
6. On or around December 9, 2021, the Department made a collateral contact to [REDACTED] Funeral Home and was informed that the funeral and burial costs had been paid in full and there was no balance due to the funeral home. (Exhibit A, p. 8)
7. On or around December 9, 2021, the Department sent Ms. [REDACTED] an Application Notice, informing her that the SER application for assistance with burial was denied because [REDACTED] Funeral Home verified that the funeral balance was paid in full and therefore, the emergency had been resolved. (Exhibit A, pp.5-6)
8. On or around December 10, 2021, the Department made contact with Ms. [REDACTED] who confirmed that she paid the funeral bill of \$ [REDACTED] with a certified check. Ms. [REDACTED] requested that the Department continue to process the application and send payment to [REDACTED] Funeral Home so she can receive a refund/reimbursement for the amount paid. Ms. [REDACTED] was informed that because the balance had been paid, the emergency had been resolved. (Exhibit A, p.8)
9. On or around [REDACTED] [REDACTED] [REDACTED] the Department received a request for hearing on Petitioner's behalf disputing the denial of SER assistance with burial services. (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. 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 assists with burial or cremation when the decedent's estate, mandatory copays, etc. are not sufficient to pay for services. 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 (October 2021), pp. 1-4. The Department will authorize payment for burial or cremation services at the rates charged by the provider up to the maximum payments specified in table found in ERM 306. ERM 306, pp. 8-9. The Department will determine mandatory copayments from responsible relatives based on the SER Group Composition policy found in ERM 201. ERM 306, p. 4. The amount of the mandatory copayment is equal to the asset copayment plus the income copayment. ERM 306, p. 8. Friends/relatives may supplement the SER burial payment in any amount up to \$4,000, which is considered a voluntary contribution.

SER provides immediate assistance to meet a current emergency. ERM 210 (October 2021), p. 1. The SER Glossary defines emergency as a situation in which immediate action is necessary to prevent serious harm or hardship. ERG Glossary (February 2017), p. 5. Having an emergency that can be resolved through the issuance of SER is a requirement of receiving assistance. ERM 101 (March 2013), p. 1.

In this case, it was undisputed that a prior application was submitted by Ms. [REDACTED] on or around [REDACTED] [REDACTED] which identified an incorrect decedent. Although Ms. [REDACTED] indicated that she did not receive a denial notice with respect to the November 8, 2021, SER application, Ms. [REDACTED] did not dispute that she mistakenly identified an incorrect decedent on the application and further did not dispute that she was notified verbally by the Department that the application could not be processed because it was not in Petitioner's name. On or around November 24, 2021, Ms. [REDACTED] in her capacity as relative and Authorized Representative of Petitioner, submitted an application requesting SER assistance with Petitioner's burial/cremation services.

At the hearing, the Department witnesses testified that after making collateral contact with [REDACTED] Funeral Home and receiving information that the balance identified on the invoice was paid in full, the application was denied because the emergency was resolved. The Department sent an Application Notice, informing Ms. [REDACTED] that SER services could not be rendered as there was no longer an emergency. Although not identified on the Application Notice, the Department testified that the application would have also been denied because the contribution towards the cost of the burial exceeded \$4000. Ms. [REDACTED] confirmed that on November 10, 2021, she paid the funeral home \$[REDACTED] with a certified check using her own funds. Ms. [REDACTED] asserted that Petitioner had no life insurance and she was informed that Petitioner would be entitled to \$750 for the burial fee. Petitioner's AHR requested that the application be processed and SER payment issued as a reimbursement.

Upon review, the evidence established that because all costs identified on the invoice submitted (\$[REDACTED] were paid to the funeral home by Petitioner's representative prior to the SER application, and reimbursement of services paid is not covered under SER policy, no SER payment can be made by the Department towards Petitioner's request


for assistance. Based on the evidence presented, Petitioner is ineligible for SER burial assistance, and the Department properly denied Petitioner's SER application because the emergency had been resolved with full payment to the funeral home.

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 Petitioner's request for SER assistance with burial.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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

Electronic Mail Recipients:

MDHHS-Wayne-15-Greydale-Hearings
BSC4
T. Bair
E. Holzhausen

First Class Mail Recipients:

[REDACTED]
MI

[REDACTED]
, MI