



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 12, 2022
MOAHR Docket No.: 22-000929
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On March 2, 2022, ██████████ requested a hearing for the deceased petitioner, ██████████, 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 April 7, 2022, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. ██████████ appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Nicole Yokie, Lead Worker, and Danielle Hinton, Assistance Payments Worker, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 9-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied ██████████'s 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 ██████████ 2021, ██████████ passed away.
2. On December 7, 2021, ██████████ called the number on the back of ██████████'s Bridge Card to check his benefits balance.
3. On December 8, 2021, ██████████ was cremated.
4. ██████████ paid approximately \$3,100.00 for ██████████'s cremation and a memorial service.

5. On December 10, 2021, [REDACTED] [REDACTED] contacted the Department to report [REDACTED]'s death and inquire about available assistance; the Department did not advise him that he could apply for burial assistance.
6. On [REDACTED] 2022, [REDACTED] [REDACTED] contacted the Department to inquire about available assistance from a local office, and the Department advised him that he could apply for SER for burial assistance, so he applied for SER for burial assistance.
7. On [REDACTED] 2022, the Department denied [REDACTED] [REDACTED]'s request for SER for burial assistance.
8. On March 2, 2022, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision.

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.

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, 2021), p.1. The Department is required to clearly explain SER burial eligibility requirements and program payment limits to any person making an inquiry. *Id.* The Department also must explain the requirement that the application for SER must be submitted no later than 10 business days after the burial, cremation, or donation. *Id.*

Based on the evidence presented, [REDACTED] [REDACTED] contacted the Department to inquire about available assistance within 10 business days of [REDACTED] [REDACTED]'s cremation, and the Department did not explain the eligibility requirements for burial assistance as required. It is unclear whether [REDACTED] [REDACTED] specifically asked about burial assistance, but the Department did not inform him of its existence when it should have. As a result, [REDACTED] [REDACTED] was unaware of the eligibility requirements for burial assistance, and he did not submit a timely application.

Since the Department did not properly explain the eligibility requirements for burial assistance when [REDACTED] [REDACTED] inquired, the Department's decision to deny [REDACTED]'s application for SER for burial assistance is reversed. This does not mean that [REDACTED] [REDACTED]'s application is or will be approved; this means that the Department must reconsider [REDACTED] [REDACTED]'s application as if it was submitted timely.

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 did not properly deny [REDACTED]'s request for SER for burial assistance.

IT IS ORDERED, the Department's decision is **REVERSED**. The Department shall reconsider [REDACTED]'s application for SER for burial assistance as if it was submitted timely, and then the Department shall issue a new state emergency decision notice. The Department shall begin to implement this decision within 10 days.

JK/mp



Jeffrey Kemm

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

Email Recipients:

MDHHS-Livingston-Hearings
E. Holzhausen
MOAHR
T. Bair
BSC4

First-Class Mail Recipients:

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

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