



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]  
MI [REDACTED]

Date Mailed: August 26, 2024  
MOAHR Docket No.: 24-006574  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

**HEARING DECISION**

On June 3, 2024, [REDACTED] 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 by telephone on July 31, 2024, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. Petitioner [REDACTED] who is deceased, was represented by [REDACTED] her uncle. The Department of Health and Human Services (Department) was represented by Nicole Taylor, Assistance Payments Supervisor and Jamaya Honeycott, Eligibility Specialist.

**ISSUE**

Did the Department appropriately determine the copayment amount for [REDACTED] request for State Emergency Relief (SER) benefits 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 May 1, 2024, Petitioner received her monthly unearned income from Social Security Administration in the amount of [REDACTED]
2. On [REDACTED] 2024, Petitioner passed away.
3. On [REDACTED] 2024, [REDACTED] applied for SER for burial assistance. [REDACTED] provided the Department with an invoice from Wilson-Akins Funeral Home showing the costs associated with the burial services equaling \$600 total. (Exhibit A, p. 10).
4. On May 22, 2024, the Department sent a SER Decision Notice to [REDACTED] informing him that the Department would pay \$102 in SER burial assistance once he provided the Department with proof by June 19, 2024 that a copayment of

\$498.00 was paid for burial services. (Exhibit A, pp. 21-23). The Notice informed [REDACTED] to provide such proof to the Department. (Exhibit A, p. 22).

5. On June 3, 2024, Petitioner filed a request for hearing to dispute the SER co-payment amount determined by the Department. (Exhibit A, pp. 3-5).

### **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 expenses when the decedent's estate or mandatory copays are not sufficient to pay for covered burial expenses. ERM 306 (April 2024), p. 1. The SER budget computation period is 30 days, and this is referred to as the countable income period. ERM 206 (April 2024), p. 1. Per policy, the Department must use income expected to be received by the decedent and the group members during the 30-day countable income period to determine the income copayment. ERM 206, p. 1; ERM 208 (October 2023), p. 8. The first day of the countable income period is the date the local office receives a signed application for SER. ERM 206 (June 2024), p. 1.

In this case, the Department testified that the petitioner decedent received [REDACTED] in SSI payments during the 30-day countable income period which was used to determine the SER co-payment. Policy instructs the Department to deduct mandatory copayments from the Department's payment. ERM 306, p. 9. Department policy further dictates that income from responsible relatives, which is defined as a spouse of the decedent or parent of a decedent child or stepchild, must be included as income. However, no evidence was presented that any responsible relatives existed, so only the petitioner decedent's income received during the countable 30-day period would be considered in determining the income copayment. ERM 306, p. 5. Further, the Department testified that the maximum payments for SER burial services is \$600. ERM, p. 11.

[REDACTED] contended that the income the decedent received on May 1, 2024 should not be used in considering a copayment amount since the money was no longer available as it was already spent prior to the petitioner decedent's death.

Here, the Department failed to satisfy its burden that there was an income copayment required in this case. While the petitioner decedent did in fact receive an SSI payment before her death, the 30-day countable income period did not start until the date the

Department received the signed SER application. The Department testified that the SER application was received on [REDACTED] 2024. The 30-day countable period is [REDACTED] 2024 through June 19, 2024. Therefore, the Department did not act in accordance with policy when it considered petitioner's decedent's SSI benefit when it considered the SER burial assistance eligibility.

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 act in accordance with Department policy when it determined the SER burial assistance copayment for petitioner decedent.

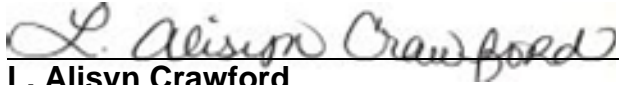
### **DECISION AND ORDER**

Accordingly, the Department's 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. Reprocess the [REDACTED] 2024 SER burial assistance application and redetermine eligibility for SER with the 30-day countable income period beginning on [REDACTED] 2024;
2. Issue supplemental payment to SER applicant for any SER services he was eligible to receive but did not receive; and
3. Notify Petitioner of its decision in writing.

LC/ml

  
**L. Alisyn Crawford**  
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**

Denise Key-McCoggle  
Wayne-Greydale-DHHS  
27260 Plymouth Rd  
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-Hearings@michigan.gov**

**Interested Parties**

BSC4  
E Holzhausen  
J McLaughlin  
MOAHR

**Via First Class Mail:**

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED] MI [REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED] MI [REDACTED]