



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

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██████████, MI ██████████

Date Mailed: October 29, 2024
MOAHR Docket No.: 24-009959
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

HEARING DECISION

Following a request for a hearing for the benefit of Petitioner, 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 by telephone on October 3, 2024. Petitioner is deceased, and her daughter, ██████████ ██████████ (VK), appeared as an Authorized Representative (AR) of Petitioner. The Department of Health and Human Services (Department) was represented by Silvester Williams, Assistance Payments Analyst.

ISSUE

Did the Department properly determine Petitioner's eligibility for State Emergency Relief (SER) burial services 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 ██████████ ██████████ 2024, Petitioner (Decedent) passed away. (Exhibit B, p. 12).
2. On ██████████ ██████████ 2024, the Department received a SER application from VK for burial services assistance for Decedent. (Exhibit B, pp. 1 – 12).
3. On July 31, 2024, the Department also received a copy of an itemized statement from the funeral home that reflected total charges of \$2,453, receipt of a payment of \$2,000, and a remaining balance due of \$453. (Exhibit A, p. 6).
4. On August 1, 2024, the Department sent VK a SER Decision Notice (SERDN) that denied burial services assistance because the client contribution amount, the

death benefit amount, and the funeral contract amount was greater than the total need. (Exhibit A, pp. 7 – 8).

5. On August 29, 2024, the Department received a request for hearing from VK, disputing the Department's denial of the SER application. (Exhibit A, pp. 3 – 5).
6. On October 2, 2024, the Department sent VK a revised SERDN that approved VK for burial services assistance for Decedent in the total amount of \$453. (Exhibit B, pp. 13 – 15).

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.

VK requested a hearing to dispute the Department's denial of her SER application for burial services assistance for the benefit of Decedent. The Department initially denied the application because the client contribution amount, the death benefit amount, and the funeral contract amount was greater than the total need. Prior to the hearing, the Department approved VK for burial services assistance in the amount of \$453.

As a preliminary matter, it is noted that, for SER assistance with burial services, any relative of the client can apply as an AR. ERM 306 (April 2024), p. 1. Therefore, VK, as Decedent's daughter, had authority as an AR to apply for SER burial benefits for Decedent.

SER provides burial services assistance when the decedent's estate is not sufficient to pay for burial, cremation, and other costs. ERM 306, p. 1. For a service consisting of a cremation with memorial service, such as Decedent's, the maximum SER payment available is \$600. ERM 306, p. 11. Although a child is not required to contribute to a parent's burial, family and friends of the deceased may contribute to the SER burial payment in any amount up to \$4,000 for additional services. ERM 306, pp. 5, 9. However, the Department may not issue reimbursement for payments already made to a provider unless a policy exception for unique and unusual circumstances is approved by the Department's central office. ERM 103 (October 2023), p. 3; ERM 104 (October 2022), p. 1.

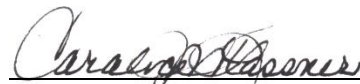
In this case, VK engaged the services of a funeral home for the memorial and cremation of Decedent, for a total cost of \$2,453, made a payment in the amount of \$2,000, and had a balance owing of \$453. (Exhibit A, p. 6). VK then applied for \$600 in SER burial services assistance as an AR of Decedent. (Exhibit B, pp. 1 – 12). Because VK had already contributed \$2,000 when she paid that amount to the funeral home, there was no evidence that a policy exception was granted by the Department's central office, and the balance owed to the funeral home at the time of VK's application was \$453, that was the maximum amount of SER available to VK, which the Department approved on October 2, 2024. (Exhibit B, pp. 13 – 15). Therefore, the Department properly approved VK for \$453 in burial services assistance.

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 approved VK for \$453 in SER burial services assistance.

DECISION AND ORDER

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

CML/nr



Caralyce M. Lassner
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

Tracey Jones
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

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

Authorized Hearing Rep.

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