



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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

Date Mailed: November 14, 2024
MOAHR Docket No.: 24-010466
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 October 16, 2024, from Detroit, Michigan. Petitioner is deceased. Petitioner was represented by her sister/Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Dequindre Williamson, Assistance Payments 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] 2024, an application for SER assistance with burial/cremation services in the amount of [REDACTED] was submitted on Petitioner's behalf by her sister/AHR [REDACTED]. On the application, Petitioner's AHR reported a mailing address of [REDACTED] MI 48075. (Exhibit A, pp. 8-13)
2. On or around [REDACTED] 2024, the Department sent Petitioner's AHR a SER Verification Checklist (VCL) instructing her to verify the amount needed for SER burial services by submitting a statement of funeral goods and services or an actual bill/written statement from the provider by May 24, 2024. (Exhibit A, p. 14)

- a. The SER VCL was sent to the confirmed mailing address of [REDACTED] MI 48075 and was not returned to the Department as undeliverable.
3. On or around May 31, 2024, the Department sent Petitioner's AHR a State Emergency Relief Decision Notice, advising her that the request for SER assistance with burial services was denied because verification of the amount needed was not timely returned. (Exhibit A, pp.15-17)
4. On or around June 24, 2024, the SER Decision Notice sent to the mailing address of [REDACTED] MI [REDACTED] was returned to the Department as undeliverable by the United States Postal Service.
5. On or around August 5, 2024, Petitioner's AHR submitted the requested funeral home statement to the Department. (Exhibit A, p. 18)
6. On or around September 11, 2024, the Department received a request for hearing on Petitioner's behalf disputing the denial of SER assistance with burial. (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 (April 2024), 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 case record must contain a statement of goods and services or the equivalent showing an itemization of all services provided, charges and payments made or expected. It must be signed by an employee of the funeral home and the person making the SER application. ERM 306, pp. 10-12.

Clients must be informed of all verifications that are required and where to return verifications. The Department will send a SER Verification Checklist (VCL) to request verifications and to notify the client of the due date for returning the verifications. The due date is eight calendar days beginning with the date of application. If the application is not

processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date. ERM 103 (October 2023), pp.1-8. The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications, despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. Verifications are considered timely if received by the date they are due. ERM 103, pp.1-8. The Department will inform all SER applicants in writing of the decision made on their application by sending a DHS-1419, Decision Notice advising of the approval or denial of the application. ERM 108, pp. 1-8.

In this case, the Department representative testified that Petitioner's request with SER assistance with burial services was denied because Petitioner's representative failed to submit verification of the amount needed through the statement of funeral goods and services or a written statement from the funeral service provider by the May 24, 2024, due date identified on the SER VCL. The Department representative testified that Petitioner's representative was notified of the denial of the application through the issuance of the May 31, 2024, State Emergency Relief Decision Notice. Petitioner's AHR confirmed that at the time the VCL was issued, she was receiving mail at the mailing address identified on the VCL. She testified that she does not recall whether or not she received the VCL but that she came to the local Department office to inquire about the status of the application in August 2024 and was informed that the application had been denied because of her failure to submit the funeral statement. Petitioner's AHR testified that she obtained the funeral statement from the funeral home and submitted it to the Department in August 2024.

Although the Department confirmed that Petitioner submitted the requested verification on August 5, 2024, the Department representative testified that it could not be accepted because the application had already been denied, as the deadline for submission had expired.


Additionally, although it was established that on June 24, 2024, the State Emergency Relief Decision Notice was returned to the Department by the United States Postal Service as undeliverable, the verification checklist was sent to Petitioner's AHR's confirmed mailing address and was not returned as undeliverable. It was further established that Petitioner's AHR did not report any change in address to the Department until September 11, 2024, when the request for hearing was submitted.

Notwithstanding the testimony of Petitioner's AHR, the evidence established that because the requested verification was not submitted by the due date identified on the SER VCL, 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 [REDACTED] 2024, request for SER assistance with burial services.

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

Via Electronic Mail:

DHHS

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Parties

BSC4
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail:

Authorized Hearing Rep.

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

Petitioner

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