

[REDACTED]

Date Mailed: February 4, 2025
MOAHR Docket No.: 24-012697
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on January 13, 2025. Petitioner is deceased and his wife, [REDACTED] (Spouse), appeared and was represented by her Authorized Hearing Representative (AHR) and Daughter-in-Law, [REDACTED]. The Department of Health and Human Services (Department) was represented by Rosemary Molsbee-Smith, Eligibility Specialist.

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 October 15, 2024, Petitioner (Decedent) passed away. (Exhibit A, pp. 27, 32).
2. On October 18, 2024, a funeral service was held for Decedent. (Exhibit A, p. 25).
3. On October 25, 2024, the Department received a SER application from Spouse for burial services assistance for Decedent. The application requested assistance in the amount of \$ [REDACTED] and designated Spouse's AHR as the authorized representative (AR). (Exhibit A, pp. 19 – 26).
4. On October 25, 2024, the Department sent Petitioner and Spouse's AHR 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. 33 – 34).

5. On November 1, 2024, the Department received a copy of Decedent's death certificate. (Exhibit A, p. 32).
6. On November 7, 2024, the Department received a request for hearing from Petitioner and Spouse's AHR, disputing the Department's denial of the SER application. The request for hearing included a receipt for purchase of two burial plots at White Chapel Cemetery by [REDACTED] and [REDACTED], and an unsigned Funeral Purchase Contract that indicated that the person arranging services was "Family" of the deceased. Both documents reflected the purchases to be paid in full. (Exhibit A, pp. 14, 16).

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.

Spouse's AHR requested a hearing to dispute the Department's denial of Spouse's SER application for burial services assistance of \$[REDACTED] for the benefit of Decedent. The Department denied burial services assistance because the client contribution amount, the death benefit amount, and the funeral contract amount was greater than the total need.

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 funeral with memorial service, such as Decedent's, the maximum SER payment available is \$820. ERM 306, p. 11. Friends and relatives may supplement the SER burial payment in any amount up to \$6,000 for additional services and there must be a signed statement from the friend or relative indicating the amount of their contribution. ERM 306, p. 9. If the total cost of the burial exceeds the SER maximum payment of \$820 plus the \$6,000 voluntary contribution allowance, the Department is to deny SER assistance. ERM 306, p. 9. Additionally, 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 2024), p. 3; ERM 104 (October 2022), p. 1.

In this case, the evidence established that Spouse requested \$[REDACTED] for burial assistance. Spouse did not provide a signed statement regarding a voluntary contribution from a friend or relative or otherwise establish that she would receive a

volunteer contribution. However, even considering that such a contribution may have been made, because the total cost of the burial requested by Spouse exceeded the total of the maximum SER assistance plus the allowable volunteer contribution, the Department properly denied Spouse's SER application for burial assistance.

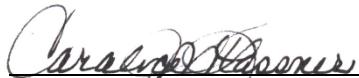
It is further noted that when the AHR submitted the request for hearing in this matter, she also provided receipts for the services of the funeral home for the funeral and memorial of Decedent in the total amount of \$ [REDACTED], and two burial plots in the total amount of \$ [REDACTED], and both receipts were paid in full. The testimony and evidence established that the receipts were not previously provided to the Department and neither were signed by Spouse, as required by policy. ERM 306, p. 10. Additionally, although these receipts total less than Spouse's original request for assistance, they total more than \$ [REDACTED], and they were paid in full and neither receipt indicated who made the payments. Therefore, because the total was more than \$ [REDACTED], the expenses were already paid in full, there was no verification that Spouse signed either document, and there was no evidence that the Department's central office approved a policy exception, the Department could not issue reimbursement to Spouse.

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 Spouse SER burial services assistance.

DECISION AND ORDER

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

CML/mp



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 :

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