



**Date Mailed:** May 29, 2025

**Docket No.:** 25-013661

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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**Case No.:** [REDACTED]

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### **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; 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 via telephone conference on May 8, 2023. Petitioner is deceased. Petitioner was represented by her sister/ Authorized Hearing Representative (AHR) [REDACTED] The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Dr. Samone Marion, Eligibility Specialist.

### **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 October 4, 2024, an application for SER assistance with burial/cremation services was submitted on Petitioner's behalf by her sister/AHR [REDACTED]
2. Included with the application for SER assistance was a document from the funeral home and a statement of goods that the Department asserted was illegible and unable to be read.
3. The Department asserted that it attempted to contact the funeral home to obtain information needed regarding the statement of goods and no one from the funeral home responded to the Department's calls.
4. The Department conceded that it did not send a SER Verification Checklist (VCL) or other similar request for information to Petitioner's authorized representative who completed the application on her behalf.

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5. On or around [REDACTED] 2024, the Department sent Petitioner an Application Notice advising that the application was denied due to a failure to provide the Department with information needed to determine eligibility. The Application Notice indicates that the statement of goods and services is unable to be read and the funeral home was contacted.
  6. There was no evidence presented that Application Notice was sent to Petitioner's authorized representative.
  7. On or around April 1, 2025, a hearing was requested on Petitioner's behalf, disputing the denial of the October 4, 2024, SER application.

### **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.

As a preliminary matter, the Department initially asserted that the request for hearing was not timely filed within 90 days of the issuance of the Application Notice. However, the Department acknowledged that the Application Notice was not sent to the Authorized Representative (AR) who submitted the application on Petitioner's behalf. Because it was not established that the AR received the Application Notice, she was not identified of the deadline to request a hearing. Thus, the Department did not establish that Petitioner's request for hearing was untimely and the hearing proceeded to address the merits of the denial of the SER application.

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 the 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.

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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 the funeral home did not respond to the Department's telephone calls requesting information regarding the statement of funeral goods and services, as the document submitted with the application was unreadable. The Department representative testified that Petitioner was notified of the denial of the application through the issuance of the [REDACTED] 2024, Application Notice. There was no evidence that a SER VCL was sent to Petitioner's representative instructing her to submit the documentation needed, and thus, the AR was not given an opportunity to submit the needed documentation. Additionally, the Department failed to issue the Application Notice to Petitioner's AR, so she was not aware of the denial. Because the Department was required to send the AR a VCL informing her of the missing documentation and giving her an opportunity to submit them, the Department did not act in accordance with policy when it denied the SER application due to a failure to submit documents needed to make an eligibility determination.

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## **DECISION AND ORDER**


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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 denied Petitioner's October 4, 2024, application for SER assistance with burial services.

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

THE DEPARTMENT 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. Register and reprocess the October 4, 2024, SER application for burial services submitted on Petitioner's behalf to determine eligibility for SER from the application date, ongoing;
2. Supplement Petitioner and/or her SER provider/funeral home for any SER benefits that she was eligible to receive but did not from the application date, ongoing; and
3. Notify Petitioner's AR in writing of its decision.

  
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**ZAINAB BAYDOUN**  
**ADMINISTRATIVE LAW JUDGE**

**APPEAL RIGHTS:** Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at [courts.michigan.gov](http://courts.michigan.gov). The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@michigan.gov), **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to  
Michigan Office of Administrative Hearings and Rules  
Rehearing/Reconsideration Request  
P.O. Box 30639  
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



**Via Electronic Mail:**

**Respondent**

WAYNE-HAMTRAMCK-DHHS

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HAMTRAMCK, MI 48212

**MDHHS-WAYNE-55-HEARINGS@MICHIGAN.GOV**

**Interested Parties**

BSC4

E Holzhausen

J McLaughlin

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]

**Authorized Hearing Rep**

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]