



Date Mailed: August 18, 2025
Docket No.: 25-026067
Case No.: [REDACTED]
Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

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

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Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On July 11, 2025, Petitioner's surviving spouse, [REDACTED] [REDACTED] requested a hearing to dispute a State Emergency Relief (SER) determination. As a result, a hearing was scheduled to be held on August 13, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. [REDACTED] [REDACTED] appeared as Petitioner's authorized hearing representative. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Jennifer Richard appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 24-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the Department properly deny the funeral home's request for SER for Petitioner's burial expenses?

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 [REDACTED] 2025, Petitioner passed away.
2. Roth-Gerst Funeral Home cremated Petitioner's body.
3. On June [REDACTED] 2025, a representative from Roth-Gerst Funeral Home, Cassandra Clark, submitted an application for SER to the Department for Petitioner's burial/cremation expenses. In the application, Ms. Clark asserted that the funeral home was applying for SER for Petitioner's burial/cremation expenses with written authorization from Petitioner's spouse because Petitioner's spouse was unable to apply for SER for Petitioner's burial/cremation expenses.

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4. The Department received the application for SER for Petitioner's burial/cremation expenses, but it did not receive a copy of the written authorization that Petitioner's spouse gave the funeral home.
 5. On June ■ 2025, the Department mailed a verification checklist to Petitioner at 305 N Hudson St, Lowell, MI 49331. This was the address that was listed on the application that was submitted on June 23, 2025, which was the address for Roth-Gerst Funeral Home. The verification checklist stated, "please return written authorization (signed and dated) from Mark's wife or legal guardian giving the funeral director permission as an authorized representative to apply for SER burial for Mark. . . ." The verification checklist instructed Petitioner to provide this information to the Department by July 1, 2025.
 6. The Department did not receive the written authorization that it requested.
 7. On July 2, 2025, the Department denied the funeral home's request for SER for Petitioner's burial/cremation expenses because the Department did not receive written authorization from Petitioner's spouse giving the funeral director permission to apply for Petitioner's burial/cremation expenses.
 8. Petitioner's spouse requested a hearing to dispute the Department's decision.

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).

SER assistance is available when a decedent's estate is insufficient to pay for burial and cremation expenses. ERM 306 (October 1, 2024), p. 1. Only the following people may apply for SER for burial/cremation expenses: a relative, a person named in the decedent's will to arrange a burial, a funeral representative designated by the decedent, a special administrator appointed by probate court, a legal guardian appointed by probate court, a person who had durable power of attorney at the time of death, and a funeral director. *Id.* A funeral director may only apply for SER for burial/cremation expenses when the funeral director has written authorization from a relative who is incapable/unable to apply for SER herself. *Id.*

In this case, the funeral home applied for SER for Petitioner's burial/cremation expenses, and the funeral home asserted that Petitioner's spouse was unable to apply for SER for Petitioner's burial/cremation expenses. However, the funeral home did not provide the Department with a copy of the written authorization that Petitioner's spouse gave the funeral home, so the Department was unable to determine whether the funeral home had authority to apply for Petitioner's burial/cremation expenses. Accordingly, the

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Department mailed a verification checklist to the funeral home to obtain more information to determine whether the funeral home had authority to apply for Petitioner's burial/cremation expenses.

An SER applicant is responsible for providing verifications. ERM 102 (October 1, 2020), p. 1. When an SER applicant refuses to take action or provide information within their ability, the Department must deny the request for SER. *Id.* In this case, the funeral home was the SER applicant, and the funeral home did not respond to the Department's verification checklist. Thus, the funeral home refused to take action or provide information within its ability. Therefore, the Department was required to deny the funeral home's request for SER for Petitioner's burial/cremation expenses.

Petitioner's surviving spouse asserted that the Department should have processed the SER request for Petitioner's burial/cremation expenses under her case number. However, the Department did not err when it processed the application under a different case number. The Department followed the applicable policy when it processed and denied the SER request for Petitioner's burial/cremation expenses.

DECISION AND ORDER

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 its policies and the applicable law when it denied the funeral home's request for SER for Petitioner's burial expenses.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



JEFFREY KEMM
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. 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, **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.

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Via Electronic Mail:

Respondent

KENT COUNTY DHHS
121 MARTIN LUTHER KING JR ST SE
STE 200
GRAND RAPIDS, MI 49507
**MDHHS-KENT-
HEARINGS@MICHIGAN.GOV**

Via First Class Mail:

Authorized Hearing Rep

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]