



Policy: Gun Lake Tribal Citizen Burial Fund Policy	Approval Date: October 27, 2022
Section:	Responsible Official: Tribal Member Benefits Director
References: General Welfare Guide, Addendum, Section VII(F); Resolution 22-1407.	Policy Type: Departmental

I. PURPOSE:

A. This policy shall be known as the Gun Lake Tribal Citizen Burial Fund Policy. The purpose of this policy is to provide financial assistance with funerals and other related final expenses for Gun Lake Tribal Citizens and their surviving family.

II. SCOPE:

A. A burial fund program exists to provide assistance with funeral, burial, and any other final expenses incurred at the time of death for Tribal Citizens. Each Tribal Citizen’s beneficiary and/or estate shall be eligible for a Burial Benefit in the amount not to exceed \$10,000. This program is an **additional** benefit to Tribal Citizens in addition to the Burial Assistance provision in the General Welfare Guide, Addendum, Section VII(F).

B. This benefit is not intended to replace or duplicate reimbursements from multiple departments or programs in compliance with Tribal law, policy, or procedure. Consequently, dual benefits shall not be used to pay for the same expense if the expense relates to a burial expense of a tribal citizen.

III. AUTHORITY

A. Under the direction of the Senior Director of Operation, the Tribal Member Benefits Director or his/her designee is responsible for the management and enforcement of this policy.

IV. DEFINITIONS

For purposes of this Policy, the capitalized terms below shall have the following meanings:

- A. “**Applicant**” shall mean an individual who is eligible, in accordance with Section VI (C) of this Policy, to apply for the Burial Benefit on behalf of the deceased Tribal Citizen.
- B. “**Beneficiary**” shall mean a person designated as the recipient of funds or other property under a will, trust, insurance policy, etc.
- C. “**Burial Benefit**” shall mean the benefit established in this Policy to provide assistance with the costs and expenses incurred for funeral, wake, burial, gravestone, meals and related services for Tribal Citizens. The Burial Benefit shall not exceed \$10,000.00 per decedent.
- D. “**Burial Fund**” shall mean the fund established in this Policy from which the Burial Benefits are paid.
- E. “**Policy**” shall mean this policy that provides the guidelines, rules and procedures to govern the Burial Fund Benefit available to Gun Lake Tribal Citizens.
- F. “**Tribal Citizen**” shall mean a person who has completed the requirements and is officially enrolled with the Tribe’s enrollment office and who is on the Tribe’s citizenship rolls at the time of their death.
- G. “**Tribe**” shall mean the Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians of Michigan (aka the Gun Lake Tribe).

V. ELIGIBILITY FOR THE BURIAL BENEFIT

- A. **Eligibility.** The Tribe shall pay the Burial Benefit upon the death of a Tribal Citizen when:
  - 1. The Tribal Citizen was on the Tribe’s Citizenship rolls;
  - 2. The Tribe receives all the necessary documents under this policy; and
  - 3. All the other requirements for receiving the Burial Benefit are met.
- B. **Deceased Children of Tribal Citizens:** When there are children of Tribal Citizens who die before becoming a Tribal Citizen, the Tribal Member Benefits Department may determine to request the Tribal Council to approve an appropriation for a burial benefit on behalf of the Tribal Citizen’s deceased child on a case-by-case basis.

VI. APPLICATION PROCESS FOR BURIAL BENEFIT

- A. **Required Information for Application.** An application for the Burial Benefit shall be made on a form developed by the Tribe. The application will require at least the following information:

1. The Applicant's full legal name and address;
2. The full name of the decedent;
3. The decedent's eligibility status under Section V(A) of this policy;
4. The decedent's date of death;
5. The Applicant's legal relationship to the decedent;

B. **Information submitted during the application process.** The following information may not be available before submitting the application, but will be required for processing the application:

1. A certified copy of the death certificate **as soon as it is available;**
2. A copy of the invoice from the funeral home, or other entity, that was retained to host and address the decedent's funeral;
3. A copy of the invoice from the entity retained to create a monument or gravestone for the decedent; and
4. Copies of any other invoices for expenses incurred as part of the final expenses of the decedent.

C. **Deadline for Burial Benefit.** An Applicant shall submit an application and all required documents to the Tribal Member Benefits Department within six (6) months of the date of death. The Tribal Member Benefits Director or his/her designee shall have the sole discretion to approve a Burial Benefit for any invoices submitted after the six (6) month deadline.

D. **Who can Apply for the Burial Benefit.** Only the decedent's Beneficiary on file with the Tribal Member Benefits Department, spouse, parent, adult child, adult sibling, adult cousin, or other adult relative (aunt, uncle, grandparent) or the personal representative of the decedent's estate on behalf of the decedent's estate, or trustee of a trust established by the decedent, is eligible to be an Applicant for the Burial Benefit. However, if the Tribe has knowledge of a decedent covered by the Burial Benefit in Section IV(A), but the Tribe is unable to locate a person eligible to apply for the Burial Benefit, then the Tribe, via an employee of the Gun Lake Tribe Health and Human Services Department, may apply for payment of the Burial Benefit.

E. **Only One (1) Application Allowed per Decedent.** The Tribal Member Benefits Department will only approve one (1) Burial Benefit Application per eligible decedent. In the event there are two (2) or more Applicants for the same decedent, priority will be given to the Beneficiary on file with the Tribal Member Benefits Department. If there is no Beneficiary on file, priority will be given to the person responsible for handling the final arrangements for the decedent. If a promissory note has been signed, the note will take priority and will be paid on behalf of the Citizen's Estate. The Tribe may require a W4 to remit payment for all final

expenses. The Tribal Member Benefits Department will obtain the required documentation on behalf of the Finance Department.

- F. **Verification of Relationship to Decedent.** The Tribal Member Benefits Department shall be responsible for verifying the relationship between the decedent and the Tribe.

## VII. PROCESSING OF APPROVED APPLICATIONS

- A. **Successful Application.** Upon submission of an Application and eligible invoices, the Tribal Member Benefits Department and/or Finance Department shall forward payments directly to the funeral home, monument or gravestone company, and any other vendors which are deemed by the Tribe to have provided associated funerary services for the decedent. A certified copy of the death certificate or death record is also required, but the Tribal Member Benefits Department recognizes there may be a waiting period for that official document. The Applicant agrees to submit a certified copy of the death certificate to the Tribe as soon as it is available.
  
- B. **Miscellaneous Expenses Related to Decedent's Death.** The Tribe may also pay an amount up to \$500 (five hundred) to the decedent's estate for payment of any miscellaneous funeral expenses not directly related to burial, gravestone, and funeral expenses. This \$500 shall not be in addition to the overall amount provided for the Burial Benefit. Miscellaneous expenses may include, but are not limited to:
  - 1. Food arrangements for the decedent's funeral or wake;
  - 2. Travel expenses (gas mileage to be determined based on annual federal mileage rate) for decedent's Spouse, parents, grandparents, children, and/or grandchildren to attend decedent's funeral.
  
- C. **Preference to Pay Vendor Directly.** If a situation arises where an Applicant has directly paid for invoices, the Tribal Member Benefits Department will work with the vendor to reissue payment from the Burial Fund. The Vendor may then reimburse the Applicant after receiving payment from the Tribe.
  
- D. **Reimbursement to Applicant.** If an Applicant has directly paid invoices for the decedent that would be eligible expenses from the Burial Fund Program and the vendor refuses to reissue/reimburse the Applicant, the Tribe may reimburse the Applicant directly.

## VIII. NO VESTED RIGHT

- A. Nothing contained in this Burial Fund Policy, including any amendments, shall be construed to vest in any person or entity any right or interest in any tribal gaming or other revenues, or assets and accounts that the Tribe may have.

IX. SEVERABILITY

- A. If any part(s) of this Policy is/are invalidated, all valid parts that are severable from the invalid parts shall remain in effect.

X. MISCELLANEOUS

- A. In construing this Policy, the present tense includes the past and future tenses, and the future tense includes the present tense.
- B. When reference is made to any portion of this Policy, the reference shall apply to all amendments made hereafter.
- C. Section headings shall not be used in construing this Policy.

XI. NO WAIVER OF IMMUNITY

- A. Nothing in this Policy shall be construed as a waiver of the sovereign immunity of the Tribe or of any Tribal entity, agency, or instrumentality, from unconsented suit or administrative proceedings.

XII. AMENDMENTS

- A. This Policy may be amended only by Tribal Member Benefits Department through the Departmental Policy approval process.

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