STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ██████████   Reg. No: 2009-22051
                                                    Issue No: 2000
                          Claimant   Case No: ████████
                                                    Load No: ████████
                                                    Hearing Date:
                                                    March 17, 2010
                                                    Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9
and MCL 400.37 upon Claimant's request for a hearing. On March 17, 2010, the Claimant's
mother appeared for the scheduled hearing.

Under Program Administrative Manual Item 600, clients have the right to contest any
agency decision affecting eligibility or benefit levels whenever they believe the decision is
illegal. The agency provides an Administrative Hearing to review the decision and determine if
it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair
hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a
hearing request and continues through the day of the hearing.

Relevant policy BAM 600, pg 2-3:

All Programs

The appointment of an AHR must be made in writing. An AHR
must be authorized or have made application through probate court
before signing a hearing request for the client.

Verify the AHR's prior authorization unless the AHR is the client's attorney at law, parent or, for **MA only**, spouse. Relationship of the parent or spouse must be verified only when it is questionable. SOAHR will deny a hearing request when the required verification is **not** submitted. See "Local Office and SOAHR Time Limits" in this item.

The following documents are acceptable verification sources:
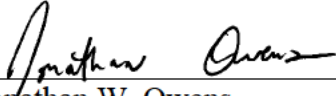
- Probate court order or court issued "Letters of Authority" naming the person as guardian or conservator.

- Probate court documentation verifying the person has applied for guardian or conservatorship.

- Authorization signed by the client authorizing this person to represent the client in the hearing process.

- Birth or marriage certificate naming the person as parent or spouse.

Note on the DHS-3050, Hearing Summary, any known information about the identity of the person who signed the request (e.g., spouse). Attach a copy of any required verification document to the DHS-3050 and forward to SOAHR.

Process requests signed by someone whose AHR status is questionable or unverified according to standard hearings procedures, including restoration of benefits, if appropriate. If SOAHR denies the request, re-implement the disputed case action and recoup the restored benefits. See "Recouping Program Benefits" in this item.

In the present case, on April 1, 2009, the Claimant's mother filed a request for hearing, protesting the Claimant's Medicaid (MA) case being switched to a Spend-down. The Claimant is an adult. The Claimant's mother failed to have written authorization to represent or proof of guardianship. The Claimant's mother indicated she is currently in the process of obtaining guardianship of her daughter.

As indicated in the above policy the Claimant's mother would need authorization in some form in order to represent her daughter at a hearing. Since the Claimant's mother does not have authorization, the hearing request is hereby DISMISSED.

Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/13/10

Date Mailed: 05/13/10

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWO/dj

cc: