

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-35269

Issue No: 5008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 8, 2010

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

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. After due notice, a telephone hearing was held on July 8, 2010.

ISSUE

Was a verification compliance established?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Negative case action: SER application on May 5, 2009 for burial assistance was denied on May 28, 2009, based on issue above per SER 205 and 306.
- (2) On May 4, 2009, the claimant died.
- (3) Hearing was scheduled for July 8, 2010.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

A specified relative has no legal authority to represent a decedent brothers estate at a hearing without “letters of authority” from a probate court. PAM 600.

Good cause----- A circumstance which is considered a valid reason for not complying for a requirement. PRG glossary, page 15.

The sister of the decedent testified that she had the required “letters of authority” at home and wanted a continuance of the hearing for that purpose.

The sister testified that she did not know that she would have to bring the “letters of authority” to the hearing.

There is no evidence introduced to established that it was beyond the sisters control to have asked the DHS for help/information in what was necessary and required for her to represent her brothers (decedent) estate at the hearing.

Therefore, this hearing authority is not persuaded by the evidence of record that the hearing should be continued based on good cause.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that verification compliance was not established.

Accordingly, SER denial is UPHeld and continuance of the hearing is DENIED.

/s/

William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 4, 2010

Date Mailed: August 6, 2010

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 receipt 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.

WAS/ [REDACTED]

cc: [REDACTED]