

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-12255
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: December 13, 2010
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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. After due notice, a telephone hearing was held on December 13, 2010. Claimant was represented by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Did [REDACTED] have the authority to represent Claimant at the time of the hearing request of April 14, 2009?

FINDINGS OF FACT

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

1. On April 14, 2009, [REDACTED] signed a hearing request on behalf of Claimant, requesting that the Department process or re-process the October 28, 2008, application for Medicaid (Medical Assistance or MA) with retroactive coverage to July 2008.
2. [REDACTED] states in its hearing request that it had authority to file the hearing request from Claimant's mother. However, [REDACTED] did not produce the signed authorization from Claimant's mother.

CONCLUSIONS OF LAW

The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

BAM 600 states, in part:

State Office of Administrative Hearings and rules (SOAHR) will deny requests signed by unauthorized persons and requests without signatures.

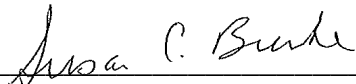
...

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.

In the present case, [REDACTED] argued at the hearing that the application was filed originally by the mother of Claimant who authorized [REDACTED] to file the hearing request. However, [REDACTED] failed to produce at the hearing the signed authorization from Claimant's mother. Therefore, [REDACTED] was not authorized to request the hearing on April 14, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that [REDACTED] did not have the authority to represent Claimant at the time of the hearing request. Accordingly, the hearing request signed April 14, 2009, is hereby DISMISSED.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 3, 2011

2010-12255/SCB

Date Mailed: January 4, 2011

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.

SCB/pf

cc:

