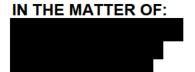
#### STATE OF MICHIGAN

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



Reg. No. 201118051 Issue No. 2000

Case No.

Hearing Date: March 10, 2011

Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

## **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the c laimant's request for a hearing. After due notice, a telephone hearing was held on Ma rch 10, 2011. The claimant appeared and testified. On behalf of Department of Hum an Services (DHS), and appeared and testified.

#### ISSUE

Whether Claimant establis hed herself as an authorized hearing r epresentative for her adult child concerning State Disability Assist ance (SDA) and Medical Assistance (MA) benefits.

#### FINDINGS OF FACT

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

- Claimant states she submitted an Assistance Application to DHS on 2/18/10.
- 2. Claimant states that she submit ted the As sistance Applic ation to pursue SDA and MA benefits on behalf of her 25 year old adult child.
- DHS stated that no Assistance Application was received.
- 4. On 12/21/10, Claimant subm itted a Request for Hearing disputing the failure by DHS to acknowledge the alleged application dated 12/18/10.
- 5. Claimant has no documentat ion giving her authority to pursue an administrative hearing on behalf of her adult child.

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## **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to indi viduals and families who meet fi nancial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who other wise would not have financial resources to purchase them.

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (formerly known as the Fa mily Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and MACR 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

All clients have the right to request a hearing. BAM 600 at 1. The following people have authority to exercise this right by signing a hearing request: an adult member of the eligible group; or the client's authorized hearing representative (AHR). *Id.* Requests for a hearing must be made in writing and signed by one of the persons listed above. *Id* at 2.

The appointment of an authorized hearing representative (A HR) must be made in writing. *Id*. An authorized hearing representative must be authorized or have made application through probate court before signing a hearing request for the client. *Id*.

An authorized representative (AR) is a per son who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group). BAM 110 at 7. The AR assumes all the responsibilities of a client. *Id*.

Note that an AR is not the equivalent of be ing an AHR. There is also no right to be an AHR that stems from being an AR.

In the present case, Claimant states she submitted an application requesting SDA and MA benefits on 2/18/10 on behalf of her adult son. There is no dis pute that the alleged application, if submitted, would have been v alid. What is in disput e is whether Claimant had the authority as an AHR to request a hearing for the alleged DHS failure to not process the allegedly submitted application.

Claimant had no documents signed by her son appointing her as an AHR. Simply bein g a biological parent does not entitle Clai mant to be an AHR unless she is an adult member of the eligibility group. As an adu It person in need of MA and SDA benefits, Claimant's SDA and MA eligib ility group would not have included his mother as an

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eligible member (see BEM 211 and BEM 214). Claimant's mot her has no authority to pursue a hearing on behalf of her adult c hild without providing s ome document giving her authority as her son's AHR. Accordingly, Claimant's hearing request is dismissed due to Claimant's failure to establish herself as an AHR for her son. This decision does not bar future hearing requests concerning the same issue from Claimant as an AHR (with proper documentation) or from Claimant's son.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, finds that Claimant lacked the written authorization to be an AHR for her son. Accordingly, Claimant's request for hearing concerning an alleged failure by DHS to process her son's application is DISMISSED.

Christian Gardocki Administrative Law Judge For Maura Corrigan, Director Department of Human Services

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Date Signed: 03/16/11

Date Mailed: 03/18/11

**NOTICE**: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG/dj

cc: