

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-31866
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: June 27, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on June 27, 2011.

On June 15, 2010, the Probate Court for the County of Wayne issued Letters of Authority granting full guardianship of Claimant to Family Options Services.

On May 4, 2011, Family Options Services, in its capacity as guardian of Claimant authorized [REDACTED] to request and attend a hearing regarding Claimant.

On May 4, 2011, [REDACTED] requested a hearing regarding Medical Assistance (MA) on behalf of Claimant.

At the hearing, [REDACTED] testified that Claimant died two weeks prior to the hearing.

Bridges Administrative Manual (BAM) 110, p. 9 instructs as to MA:

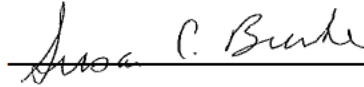
After death, the person does not exist as a legal entity, so no one can represent the person....

An estate may be created to handle the remaining business and financial issues that were outstanding at the time of death. Only a probate court can create a decedent's estate. The court will also appoint someone to act as a representative of the estate.

Upon Claimant's death, the Letters of Authority issued to [REDACTED] ended and upon Claimant's death, [REDACTED] authority to represent Claimant at a hearing ended.

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Based on the above discussion, it is ORDERED that the hearing is DISMISSED pursuant to BAM 110, as no Authorized Hearing Representative of the Claimant-Decedent's estate was present for the hearing.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/1/11

Date Mailed: 7/1/11

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.

SB/sm

cc:

