

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. 201118051
Issue No. 2000
Case No. [REDACTED]
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 claimant's request for a hearing. After due notice, a telephone hearing was held on March 10, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], and [REDACTED] appeared and testified.

ISSUE

Whether Claimant established herself as an authorized hearing representative for her adult child concerning State Disability Assistance (SDA) and Medical Assistance (MA) benefits.

FINDINGS OF FACT

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

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

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 (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 Reference Tables Manual (RFT).

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

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and MCL 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 (AHR) 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 person 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 being 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 dispute that the alleged application, if submitted, would have been valid. What is in dispute 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 being a biological parent does not entitle Claimant to be an AHR unless she is an adult member of the eligibility group. As an adult person in need of MA and SDA benefits, Claimant's SDA and MA eligibility group would not have included his mother as an

eligible member (see BEM 211 and BEM 214). Claimant's mother has no authority to pursue a hearing on behalf of her adult child without providing some 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 conclusions of 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

Date Signed: 03/16/11

Date Mailed: 03/18/11

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.

CG/dj

cc:

