

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-35837
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 10, 2011
DHS County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was scheduled in Clinton Township, MI, on August 10, 2011. Claimant is deceased. When the hearing was called, Claimant's Attorney of record, [REDACTED], appeared and indicated that Claimant had recently passed away.

Under Bridges Administrative Manual Item 600, clients have the right to contest any Department of Human Services (Department) decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continue through the day of the hearing.

Relevant Policy is BAM 600, p. 2-3, as follows:

All Programs

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

Verify the authorized hearing representative's prior authorization unless the authorized hearing representative is the client's attorney at law, parent or, for **MA only**, spouse. Relationship of the parent or spouse must be verified only when it is questionable. MAHS will deny a hearing request

when the required verification is **not** submitted; see local office and MAHS Time Limits in this item.


The following documents are acceptable verification sources:

- Probate court order or court issued letters of authority naming the person as guardian or conservator.
- Probate court documentation verifying the person has applied for guardian or conservatorship.
- Authorization signed by the client authorizing this person to represent the client in the hearing process.
- Birth or marriage certificate naming the person as parent or spouse.

Note any known information about the identity of the person who signed the request (for example a spouse) on the DHS-3050, Hearing Summary. Attach a copy of any required verification document to the DHS-3050 and forward to MAHS.

Process requests signed by someone whose authorized hearing representative status is questionable or unverified according to standard hearings procedures, including restoration of benefits, if appropriate. If MAHS denies the request, reimplement the disputed case action and recoup the restored benefits; see Recouping Program Benefits in this item.

Therefore, since the Claimant is deceased and none of the above applies, Claimant's hearing request must be dismissed. According to the provisions of BAM, Item 600, pp. 2-3, Claimant's request for a hearing is hereby **DISMISSED**.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2011

2011-35837/JWO

Date Mailed: August 16, 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.

JWO/pf

cc:

