

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-3527
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: March 7, 2013
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 following Claimant's request for a hearing. After due notice, an in-person hearing was held on March 7, 2013, from Clinton Township, Michigan. Participants on behalf of Claimant included Claimant's originally authorized hearing representative, [REDACTED]. Claimant was deceased at the time of hearing. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

At hearing, it was discovered Claimant had passed away. Claimant's previously assigned representative had no other of form of authority to represent other than the original authorization signed by Claimant.

An authorized representative is **not** the same as an authorized hearings representative (AHR). BAM 110, p. 8 (January 2013). An AHR is defined by Bridges Policy Glossary (BPG) as the "person who stands in or represents the client in the hearing process **and** has the legal right to do so." BPG, p. 4 (July 2011). This right is derived from the following sources:

- (a) written authorization, signed by the client, giving the person the authority to act for the client in the hearing process;
- (b) court appointment as a guardian or conservator;
- (c) the representative's status as legal parent of a minor child;
- (d) the representative's status as attorney at law for the client;
or
- (e) for MA only, the representative's status as the client's spouse, or the deceased client's widow or widower, only

when no one else has the authority to represent the client's interest in the hearing process.

BPG, p. 4 (July 2011).

An authorization to represent is a form of Power of Attorney. BAM 110, p. 10 (January 2013). When a person who gave authorization dies, the Power of Attorney ends. BEM 110, p. 10 (January 2013); MCL 700.5510(1)(a). After death, the person does not exist as a legal entity, so no one can represent the person. BEM 110, p. 10 (January 2013). An estate may be created to handle remaining business and financial issues that were outstanding at the time of death. BEM 110, p. 10 (January 2013). Only a Probate Court can create a decedent's estate. BEM 110, p. 10 (January 2013); MCL 700.1302.

Therefore, the request for hearing is DISMISSED.

It is SO ORDERED.



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

Date Signed: March 12, 2013

Date Mailed: March 12, 2013

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives.

JWO/pf

cc:

