

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-57080  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: September 25, 2013  
County: Oakland DHS (03)

**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 following Claimant's request for a hearing. After due notice, an in-person hearing was held on September 25, 2013, from Walled Lake, Michigan. Participants included [REDACTED] as Claimant's alleged authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Supervisor.

**ISSUE**

The issue is whether the authorized hearing representative had standing to dispute a denial of a Medical Assistance (MA) application.

**FINDINGS OF FACT**

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

1. On [REDACTED]/13, DHS received an Assistance Application requesting MA benefits on behalf of Claimant.
2. The submitted application did not list an authorized representative (AR) but the application was accompanied with a signed statement (Exhibit 3), dated by Claimant on [REDACTED] 13, authorizing [REDACTED] as Claimant's AR.
3. On [REDACTED]/13, DHS received a document (Exhibit 2) signed by Claimant on [REDACTED]/13 authorizing [REDACTED] as an authorized representative.

4. On [REDACTED]/13, DHS denied the MA benefit application due to an alleged failure by Claimant to verify self-employment income.
5. On [REDACTED]/13, Advomas requested a hearing to dispute the application denial.

### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by the 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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Prior to a substantive analysis, it must first be determined whether the AHR that requested and appeared for the hearing had standing to request a hearing. This requires an analysis of AHR policy.

All clients have the right to request a hearing. BAM 600 (2/2013), p. 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.*

The appointment of an authorized hearing representative must be made in writing.

In the present case, DHS received two different documents (Exhibits 2-3) from agencies claiming to be Claimant's authorized representative and authorized hearing representative. Both documents included boilerplate language granting the agency authority to perform AR and AHR functions. Both documents appeared to have authorized signatures from Claimant.

DHS language addressing ARs and AHRs always refers to both titles in the singular. It is found that a client can only have one AR and AHR. It must be determined which party was Claimant's AR and AHR.

The agency that requested and appeared for the hearing has two problems in being named an AR or AHR for Claimant. As it happened, Claimant granted representation to another agency shortly after authorizing representation to the appearing agency. The party with the most recent client authorization is the party that is the current AR and AHR.

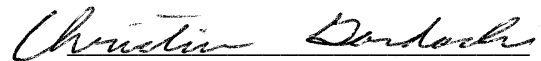
During the hearing, it was suggested that once a party is recognized as an AR or AHR, a client must terminate the representation in writing before another representative is recognized. This is a potential argument justifying recognition of the appearing agency as Claimant's AR and AHR.

Chronologically, the appearing party was Claimant's first representative, but this is not true in the context of Claimant's application. The appearing party submitted their representation documents to DHS after representation was established for another party. A need to withdraw the representation in writing is not deemed to be applicable unless a party is the first representative to obtain a claimant's signature and to submit proof of representation to DHS. The appearing agency submitted proof of representation after the non-appearing representative submitted representation to DHS.

Based on the presented evidence, Advomas is not Claimant's AR or AHR. Accordingly, Advomas failed to establish the proper standing to request a hearing concerning an application denial of Claimant's MA application.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Advomas was not Claimant's AR or AHR and that they lacked standing to request a hearing on behalf of Claimant. The hearing request is **DISMISSED**.



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

Date Signed: 10/15/2013

Date Mailed: 10/15/2013

**NOTICE OF APPEAL:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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 (60 days for FAP cases).

The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

CG/hw

cc:

