

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-011998
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: February 25, 2015
County: Jackson

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on February 25, 2015, from Jackson, Michigan. Claimant was not present. Claimant was represented by [REDACTED] of [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialists' [REDACTED] and [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance?

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 April 25, 2014, Claimant applied for Medical Assistance using DHS-4574, for Nursing Facility Patients Only. The application was signed by Claimant.
2. On April 29, 2014, the Department automatically sent a request to Claimant requesting verification of income.
3. On May 8, 2014, the Department received an Authorization to Release verification from Indepen [REDACTED] ([REDACTED]).
4. On May 12, 2014, a request was made by [REDACTED] to extend the verification checklist due date.
5. On May 20, 2014, a second request by [REDACTED] was made to extend the due date of the verification checklist.

6. On May 30, 2014, the Department mailed a Health care Coverage Determination Notice to Claimant denying Claimant's application for failure to provide/verify Claimant's Driver License/ID Cards, Social Security cards, life insurance policy, and verification of assets/income.
7. On August 22, 2014, a request for hearing from [REDACTED] was filed with the Department without an attached Authorization to Represent.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

All clients have the right to request a hearing. 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). BAM 600, p 2 (7/1/2014).

Requests for a hearing must be made in writing and signed by one of the persons listed above. The request must bear a signature. Faxes or photocopies of signatures are acceptable. Michigan Administrative Hearings System (MAHS) will deny requests signed by unauthorized persons and requests without signatures. BAM 600, p 2 (7/1/2014).

The appointment of an Authorized Hearing Representative (AHR) must be made in writing. An AHR must be authorized or have made application through probate court **before** signing a hearing request for the client. BAM 600, p 2 (7/1/2014).

The Department must verify the AHR's prior authorization unless the AHR 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. BAM 600, pp 2-3 (7/1/2014).

Process requests signed by someone whose AHR status is questionable or unverified according to standard hearings procedures, including restoration of benefits, if appropriate. If MAHS denies the request, re-implement the disputed case action and recoup the restored benefits; see Recouping Program Benefits in this item. BAM 600, p 3 (7/1/2014).

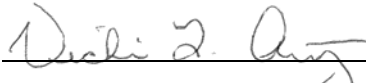
In this case, the AHR testified to having “verbal” authorization from Claimant to be his AHR, prior to the filing of the request for hearing on August 22, 2014. The AHR provided a signed authorization to represent during the hearing, dated September 10, 2014.

Policy is clear that the appointment of an Authorized Hearing Representative (AHR) must be made **in writing**. BAM 600, p 2 (7/1/2014) (emphasis added). Furthermore, an AHR must be authorized or have made application through probate court **before** signing a hearing request for the client.

As a result, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Authorized Hearing Representative was not authorized to represent Claimant at the time the AHR filed the request for hearing.

DECISION AND ORDER

Accordingly, the Department’s decision is **AFFIRMED** and this request for hearing is **DISMISSED**.



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/3/2015**

Date Mailed: **3/3/2015**

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NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

