STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ███████████   Reg. No: 2007-20326
                                        Issue No: 2009
          Claimant   Case No: ████████
                                        Load No: ████████
                                        Hearing Date:
                                        September 20, 2007
                                        Clare County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

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 held on September 20, 2007. Claimant was represented by ████

ISSUE

Whether the Department of Human Services (department) properly determined that

claimant has not established disability for purposes of Medical Assistance (MA).

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial

evidence on the whole record, finds as material fact:

(1)   July 12, 2006, claimant applied for MA. Claimant submitted medical records for

department consideration.

(2)   December 29, 2006, the Medical Review Team denied claimant's application.

Department Exhibit (Department) A.

(3)   January 5, 2007, the department sent claimant written notice that the application

was denied.

(4)   April 24, 2007, the department received claimant's request for hearing. The

request for hearing is not timely.

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 (DHS or department) administers the MA program pursuant to MCL 400.10,

et seq., and MCL 400.105. Department policies are found in the Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual

(PRM).

All Programs

The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.
Days as used in this item, mean calendar days unless otherwise specified.
local office that serves the client.

Program Administrative Manual (PAM) 600

LEGAL BASE

All Programs

MCL 400.8; 400.9, 400.37
MCL 24.201-24.211; 24.271-24.287
R 400.901-400.922 MAC

MA

42 CFR 431.200-.250
42 USC 1396r-5

JOINT POLICY DEVELOPMENT

Medicaid, Adult Medical Program (AMP) also known as Adult Benefit Waiver (ABW), Transitional Medical Assistance (TMA/TMA-Plus), and Maternity Outpatient Medical Services (MOMS) policy has been developed jointly by the Department of Community Health (DCH) and the Department of Human Services (DHS).

In this case, the department issued notice of case action on January 5, 2008. Claimant had 90 calendar days to present a hearing request. The hearing request was submitted on the 109th day after the date of the notice of case action. Finding of Fact 2-4; PAM 600. Accordingly, the hearing request is not timely and the Administrative Law Judge does not have jurisdiction over the matter at issue. Therefore, the matter must be dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the hearing request is not timely.

Accordingly, the matter is HEREBY DISMISSED.

/s/_____
 Jana A. Bachman
 Administrative Law Judge
 for Ismael Ahmed, Director
 Department of Human Services

Date Signed:_ September 2, 2009_____

Date Mailed:_ September 3, 2009_____

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 receipt 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.

JAB/db

cc: