

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2008 - 9234
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 22, 2009
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

ORDER DISMISSING HEARING

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on July 22, 2009 and claimant was represented by [REDACTED], [REDACTED] [REDACTED] for [REDACTED].

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

In the present case claimant's representative filed a request for hearing on October 18, 2008 regarding Medicaid coverage back to February 2007. At the hearing, claimant's representative testified that the months at issue were February, March and April 2007. Therefore the negative action the being contested is the January 2007 closure of Medicaid benefits. The

department, however, closed the Medicaid case January 20, 2007 and mailed notice to the Authorized Representative. The hearing request can not be considered timely as it was not filed within 90 days of the negative action notice.

Therefore this hearing is dismissed pursuant to MAC R 400.903(1). PAM 600.

/s/

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/26/09

Date Mailed: 08/27/09

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.

CL/jlg

cc:

