

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: 2008-22728

Issue No: 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 20, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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, a hearing was held on April 20, 2009. Claimant and authorized agent appeared and testified. The Department was represented by a Department JET worker.

ISSUE

Is Claimant entitled to a hearing when another Administrative Law Judge has heard the case and a decision is pending?

FINDINGS OF FACT

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

- (1) Claimant applied for MA benefits in September 2007 and was denied on October 23, 2007.
- (2) She requested a hearing on December 6, 2007 regarding the denial.

- (3) The case was heard by an Administrative Law Judge on April 17, 2008. A decision is pending.
- (4) Claimant's authorized agent stated that the Claimant has some additional medical documentation. The agent is unaware of whether that documentation has been forwarded to the Department or ALJ who heard the case.
- (5) The Department received another hearing request on this same issue on January 7, 2008. (Exhibit 1A).

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The state administrative rules state that an opportunity for an administrative hearing shall be granted to an applicant who requests a hearing because her claim for public assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in the suspension, reduction, discontinuance or termination of public assistance. MAC R 400.903(1). Department policy further states that a request for a hearing may be granted to any recipient who is aggrieved by a Department action resulting in restrictions under which benefit services are provided, any action beyond standards of promptness, and expunction or amendment of a child abuse/neglect central registry or local office record. PAM Item 600.

In this case, the Claimant requested and was granted a hearing on April 17, 2008. A decision is still pending. Therefore, the undersigned ALJ has determined that her hearing request must be dismissed. Claimant must receive a decision on the previous hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is not entitled to a hearing because she has had a hearing on this issue and is awaiting a Decision and Order.

Accordingly, the Claimant's hearing request is DISMISSED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/24/09

Date Mailed: 04/28/09

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 mailing 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.

TW/dj

cc:

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