

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
Claimant

Reg. No: 2008-25037
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's guardian's request for a hearing. After due notice, a hearing was held on May 6, 2009.

ISSUE

Was a timely hearing request filed to protest the Department of Human Services' denial of claimant's application for Medical Assistance Benefits?

FINDINGS OF FACT

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

- (1) On February 8, 2008, claimant's guardian filed an application on claimant's behalf for Medical Assistance.
- (2) On March 10, 2008, the department notified claimant's guardian in writing that the February 8, 2008 application had been denied based upon excess assets.

(3) On June 19, 2009, claimant's guardian filed a hearing request to protest the department's determination.

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).

The regulations governing the hearings and appeals process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC R 400.901-400.951). Any hearing request that protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902-400.904. In this case, the department denied claimant's application for benefits on March 10, 2008. A hearing request was not filed on claimant's behalf until June 19, 2009. Claimant's hearing request was filed in excess of 90 days from the date of mailing of the department negative action notice. Thus, the hearing request must be DISMISSED as untimely.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a timely hearing request was not filed to protest the Department of Human Services' denial of claimant's application for Medical Assistance.

Accordingly, the request for hearing must be DISMISSED as untimely.

/s/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 7/20/09

Date Mailed: 7/20/09

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.

LSS/at

cc:

