

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2008-25242

Issue No.: 2000

Case No.: ██████████

Load No.: ██████████

Hearing Date:

June 10, 2009

Wayne County DHS (73)

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 request for a hearing. After due notice, a hearing was held on June 10, 2009. The claimant appeared and testified.

ISSUE

Did the Claimant file a timely hearing request to protest the Department of Human Services' failure to pay claimant's Medicaid premiums?

FINDINGS OF FACT

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

- (1) In response to claimant's March 2008 request to a departmental supervisor, the department paid claimant's Medicaid premiums back to February 2008.
- (2) Thereafter, on June 13, 2008, claimant filed a hearing request to protest the department's failure to pay her Medicaid premiums back to February 2007.

- (3) The department declined to take any action on the matter prior to February 2008 and indicated that claimant had filed an untimely hearing request.

CONCLUSIONS OF LAW

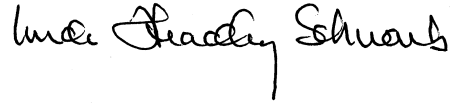
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The regulation governing the hearing 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, claimant was certainly aware that the department was not paying her Medicaid premiums. She was on constructive notice of same. Filing a hearing request in June 2008 to protest a departmental action or inaction back to February 2007 is certainly an untimely hearing request. Thus, claimant's hearing request must be dismissed as untimely. The undersigned Administrative Law Judge has no authority to order the department to take action in excess of 90 days prior to the claimant's request for hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant did not file a timely hearing request to protest the Department of

Human Services' failure to pay claimant's Medicaid premiums. Accordingly, the request for hearing must be dismissed as untimely.



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

Date Signed: 10/21/09

Date Mailed: 10/21/09

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 the Circuit 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/jlg

cc:

