

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES
FOR THE DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:

SOAHR Docket No. 2009-10610 REHD
DHS Req. No: 2009-9905
Case No: [REDACTED]

[REDACTED]

Claimant

_____ /

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon the request of the Claimant.

ISSUE

Did the Administrative Law Judge err when he issued an Order of Dismissal dismissing the Claimant's Request for Hearing?

FINDINGS OF FACTS

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

1. On December 10, 2008, Administrative Law Judge (ALJ) Martin Snider issued an Order of Dismissal in which he dismissed the Claimant's Request for Hearing.
2. On January 8, 2009, the State Office of Administrative Hearings and Rules (SOAHR) for the Department of Human Services (DHS) received a Request for Rehearing/Reconsideration submitted by Claimant [REDACTED]
3. On January 30, 2009, SOAHR granted the Claimant's Request for Rehearing/Reconsideration and issued an Order for Reconsideration.
4. On August 21, 2008, DHS received the Claimant's application for Medicaid and the Adult Medical Program
5. On September 10, 2008, DHS mailed the Claimant and the Claimant's Authorized Representative, [REDACTED] and Application Eligibility Notice which indicated that the Claimant's application was denied. Also on September 10,

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2008 DHS mailed the Claimant an Adult Medical Program Notice in which DHS indicated that DHS was unable to determine the Claimant's eligibility for the Adult Medical Program because there was a freeze on enrollment.

6. On October 30, 2008, DHS received the Claimant's Request for Hearing in which the Claimant requested a hearing on the DHS denial of her August 21, 2008, Medicaid application.

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 Family Independence Agency (FIA or agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105; MSA 16.490 (15). Agency policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

The evidence contained in the case file indicates that on August 21, 2008, the Claimant applied for Medicaid. On September 10, 2008, DHS mailed the Claimant and the Claimant's Authorized Representative, [REDACTED] an Application Eligibility Notice which indicated that the Claimant's application was denied. Also on September 10, 2008, DHS mailed the Claimant an Adult Medical Program Notice in which DHS indicated that DHS was unable to determine the Claimant's eligibility for the Adult Medical Program because there was a freeze on enrollment. On October 30, 2008, DHS received the Claimant's Request for Hearing in which the Claimant requested a hearing on the DHS denial of her August 21, 2008, Medicaid application.

On December 10, 2008, SOAHR staff reviewed the Claimant's Request for Hearing and the Hearing Summary provided by DHS and concluded that the Claimant was request a hearing to contest the DHS denial of Adult Medical Program benefits. The Claimant's Request for hearing very clearly indicates that the Claimant was requesting a hearing on the denial of her August 21, 2008, Medicaid application. Therefore, SOAHR erred when it issued the December 10, 2008, Order of Dismissal.

DECISION AND ORDER

This Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Administrative Law Judge erred when he issued an Order of Dismissal dismissing the Claimant's Request for Hearing

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IT IS THEREFORE ORDERED that:

The Administrative Law Judge's Order of Dismissal dated December 10, 2008, is VACATED.

SOAHR will process the Claimant's Request for Hearing and will schedule a hearing to determine if DHS properly denied the Claimant's August 21, 2008, application for Medicaid.

Martin D. Snider
Administrative Law Judge
for Michigan Department of Human Services

cc:

[REDACTED]

Date Signed: 7/22/09
Date Mailed: 7/22/09

***** NOTICE *****

The Appellant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.