

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: 2009-352

Issue No: 2000/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 27, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 telephone hearing was held on January 27, 2009.

ISSUE

Whether claimant timely requested hearing after denial of her application for Medical Assistance (MA) and State Disability Assistance (SDA).

Whether claimant established disability for Medical Assistance (MA) and State Disability Assistance (SDA).

FINDINGS OF FACT

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

- (1) October 16, 2007, claimant applied for MA and SDA.
- (2) January 31, 2008, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.
- (3) February 6, 2008, the department sent claimant written notice that her application was denied. Department Exhibit C.
- (4) September 18, 2008, the department received claimant's request for hearing. This hearing request is untimely and the Administrative Law Judge did not have jurisdiction over the substantive matters stated on hearing request.
- (5) The matter of claimant's disability for MA and SDA is dismissed.

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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

The authorized hearing representative or if there is no authorized hearing representative, then the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within 90 days. Program Administrative Manual (PAM) 600; MCL 400.8; 400.9, 400.37; MCL 24.201-24.211; 24.271-24.287; R 400.901-400.922 MAC; PA 294 of 1998; R 400.3155 MAC; 42 CFR 431.200-250; 42 USC 1396 r-5.

In this case, claimant was issued written notice of application denied on February 6, 2008. Claimant had 90 days from the date of that notice in which to request a hearing. Claimant's hearing request was received more than seven months following the date of the denial notice. Accordingly, claimant's hearing request is not timely and the matter of claimant's disability is dismissed. Finding of Fact 1-5.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant's hearing request is untimely and the Administrative Law Judge does not have jurisdiction over the substantive issues.

Accordingly, the matter of claimant's disability for MA and SDA is, hereby,
DISMISSED.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 22, 2010

Date Mailed: November 23, 3010

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.

JAB/db

cc:

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