

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.: 2009-36927

Issue No.: 2000

Case No.: ██████████

Load No.: ██████████

Hearing Date:

February 8, 2010

Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, February 8, 2010. The Claimant's authorized representative, ██████████ of ██████████, appeared and testified. ██████████ and ██████████ appeared on behalf of the Department.

ISSUE

The sole issue is whether the authorized representative is entitled to a currently dated denial notice of a previously denied Medical Assistance ("MA-P") application?

FINDINGS OF FACT

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

1. On March 27, 2009, the Claimant submitted an application for public assistance seeking MA-P benefits.

2. On May 19, 2009, the Medical Review Team (“MRT”) found the Claimant was not disabled. (Exhibit 1, pp. 1, 2)
3. On May 22, 2009, the Department sent the Claimant a denial notice, form DHS-1150. (Exhibit 2)
4. The authorized representative denied receipt of the DHS-1150.
5. On July 21, 2009, the Department received the Claimant’s/authorized representative’s timely written request for hearing. (Exhibit 3)

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Policy Glossary (“BPG”).

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2) Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600 The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600 The State Office of Administrative Hearings and Rules (“SOAHR”) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service
- Suspension or termination of program benefits or service
- Restrictions under which benefits or services are provided
- Delay of any action beyond the standard of promptness
- For **FAP only**, the current level of benefits or denial of expedited service

BAM 600 Additionally, for MA purposes, SOAHR may grant a hearing on other issues not applicable here, such as community spouse income, allowance, asset assessment, etc.

In this case, the Claimant/Representative submitted an application for disability on March 27, 2009. Although the Representative was aware of the denial (as evident by the timely hearing request), it did not receive a copy of the denial notice, the DHS-1150. Importantly, the Representative is **not** protesting the MRT determination finding the Claimant not disabled and thus the denial of benefits. Instead, the Representative seeks a currently dated denial in order to apply for other programs. The Representative contends, without citing to any authority, that it is entitled to a currently dated denial as opposed to a copy of the previous denial. The parties agree that the Department was supposed to send the denial notice to the authorized representative however the Representative is not entitled to a hearing solely on this issue when they are not contesting the MRT determination. Ultimately, because the Claimant/Representative is not contesting a department decision affecting eligibility or benefit levels the Request for Hearing is DISMISSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that since the Claimant/Representative is not contesting a department decision affecting eligibility or benefit levels the Request for Hearing is DISMISSED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/02/2010

Date Mailed: 3/02/2010

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.

CMM/jlg

cc:

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