

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: 2009-11087
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 13, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37 upon claimant's request for a hearing filed on December 15, 2008. After due notice, a hearing was held August 13, 2009.

Prior to the closure of the hearing record, both parties agreed that the negative action (Medicaid/MSP application on October 27, 2008 was denied on October 30, 2008 based on excess income per PEM 165 and 500) had already been heard on July 8, 2009 and awaiting a hearing decision.

It is well settled policy that a claimant is entitled to one hearing and a decision on the same issue with appeal rights thereafter. In this case, both parties agree that the claimant already had a hearing on July 8, 2009 and is awaiting for a hearing decision. Therefore, the claimant is collaterally estopped from a second hearing on the same issue between the same parties.

2009-11087/was

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY DISMISSED, because claimant is no longer aggrieved by a department action.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2009

Date Mailed: October 20, 2009

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.

WAS/tg

cc:

A large black rectangular redaction box covers the names and contact information of the recipients listed in the 'cc:' field.