

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: 2009-11905
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 July 22, 2009. Claimant personally appeared and testified. The Department was represented by a family independence manager and an eligibility specialist.

ISSUE

Is Claimant entitled to a hearing when no negative action has been taken against her Medical Assistance (MA) case and no negative action is pending?

FINDINGS OF FACT

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

- (1) Claimant is a MA recipient.
- (2) The Department did a January 2009 budget incorrectly because it used incorrect RSDI income amounts, resulting in spend-down.

- (3) The Department realized the error and corrected the budget, resulting in Claimant being eligible for MA without a spend-down at least until April 2009.
- (4) The Department received Claimant's hearing request on December 4, 2009.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The state administrative rules state that an opportunity for an administrative hearing shall be granted to an applicant who requests a hearing because her claim for public assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in the suspension, reduction, discontinuance or termination of public assistance. MAC R 400.903(1). Department policy further states that a request for a hearing may be granted to any recipient who is aggrieved by a Department action resulting in restrictions under which benefit services are provided, any action beyond standards of promptness, and expunction or amendment of a child abuse/neglect central registry or local office record. PAM Item 600.

Although the Department initially determined Claimant eligible for MA with a spend-down for January 2009, the Department determined that the January 2009 budget was incorrect and corrected it. As a result, Claimant was determined eligible for MA without a spend-down.

Consequently, it is found that Claimant is not aggrieved by a Department action. Because Claimant is not aggrieved by any Department action, her hearing request must be dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant has not been aggrieved by any Department action and, therefore, Claimant's hearing request is DISMISSED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/24/09

Date Mailed: 08/24/09

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 Circuit Court within 30 days of the mailing 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.

TW/dj

cc:

