

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: 2009-1212

Issue No: 2000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 26, 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 September 25, 2008. After due notice, a hearing was held May 26, 2009.

Prior to the closure of the hearing record, the claimant no longer disagreed with the correctness of the negative action (denial on August 8, 2008 of Medicaid application on June 18, 2008 based on excess assets per PEM 400) which is the subject matter of this hearing; claimant wants an exception to the policy.

Administrative law judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals. Delegation of Hearing Authority, August 9, 2002, per PA 1939, Section 9, Act 280.

Therefore, as a matter of DHS policy, this ALJ has no legal authority to grant the claimant's requested exception to DHS policy requirements. 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,

2009-212/was

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: June 22, 2009

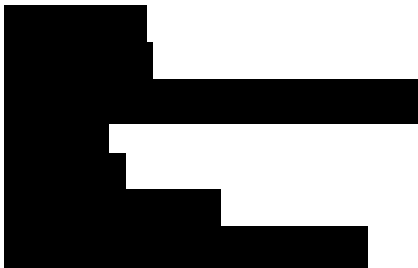
Date Mailed: June 22, 2009

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:

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