

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: 2009-19748

Issue No: 1000

Case No: ██████████

Load No: ██████████

Hearing Date:

June 2, 2009

Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

ORDER OF DISMISSAL

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 filed on February 23, 2009.

On January 5, 2009, Healthy Kids MA was approved for Claimant's children. On January 29, 2009, Claimant provided additional verification to the Department which resulted in adult MA coverage being approved and Claimant's case being converted to N to cover the entire family effective February 1, 2009. The Hearing Summary states that the Date Client was notified of department action was January 29, 2009, the Effective date of action was February 1, 2009, the Programs Impacted By the Department Action is MA eligibility and the Date Hearing Request Received by DHS was February 23, 2009.

On February 20, 2009, Claimant filled out and signed a hearing request which the Department received on February 23, 2009. It states as follows – "I am requesting a hearing because my husband had a little work the weeks he was supposed to go to

Workfirst and I am disabled. My Doctor is sending out the form. We need Food, Medicaid & Ser Assistance.”

According to the Department, there was no negative action regarding Claimant’s Food Assistance Program (FAP) benefits, Medical Assistance (MA) or her State Emergency Relief (SER) Application prior to her February 23, 2009 hearing request. She was receiving FAP benefits, her family was covered by MA and her SER application had been approved. The only negative action prior to her hearing request was in regard to her Family Independence Program (FIP) benefits. Claimant stated at hearing that she was not requesting a hearing on this issue – She stated that she needed Medicaid.

To that end, on February 25, 2009, the Department completed a new MA budget to include [REDACTED] for Claimant’s husband which Claimant reported to the Department on February 18, 2009. The revised MA budget resulted in excess income for adult medicaid coverage. A negative action was, therefore, initiated by the Department on February 25, 2009 to remove the adults from the case with an effective date of March 10, 2009 and to convert the case back to L for the children. According to the Department, Claimant filed a hearing request on March 4, 2009 in regard to this negative action and the negative action was deleted pending hearing (her entire family continues to receive MA coverage) given that she filed her hearing request prior to the effective date of the negative action. It should also be noted that the FAP budget was also updated to include the unemployment benefits and, for reasons unknown, the result was an increase in benefits. Claimant also recently filed a 2nd SER application which is still pending.

With the above said, it appears that the only negative action taken by the Department prior to the February 23, 2009 hearing request was in regard to FIP benefits

which Claimant does not contest. Therefore, the undersigned does not have jurisdiction to hear this matter. Accordingly, Claimant's February 23, 2009 hearing request is DISMISSED, it is SO ORDERED.

The Department shall:

(1) Continue to qualify and/or provide the MA coverage for Claimant's family which became effective February 1, 2009 until the time of hearing on that issue.

(2) Check with the Hearings Coordinator to ascertain whether the hearing has been scheduled for hearing and, if not, to ensure that the Hearings Coordinator is aware of Claimant's March 4th hearing request regarding MA coverage and that a hearing is scheduled on the issue in due course.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 3, 2009

Date Mailed: June 4, 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.

2009-19748/smb

SMB/db

cc:

