

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: 2009-26522
Issue No: 2026
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
Oakland 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 April 13, 2009. After due notice, a hearing was held February 17, 2010.

Prior to the closure of the hearing record, the claimant agreed that the positive case action (Medicaid change of monthly spend-down amount to \$627.00) was determined correctly in accordance with PEM 500 and PRT 240; she wanted an exception to the policy based on her financial hardship.

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 law, this ALJ has no legal authority to grant the claimant's request exception to DHS policy requirements based on a financial hardship.

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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: March 16, 2010

Date Mailed: March 17, 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.

WAS/tg

cc:

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