

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: 2009-293  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
January 27, 2009  
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

DISMISSAL ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's application for MA and SDA. After due notice, a telephone hearing was held on January 27, 2009. Claimant was represented at the administrative hearing by

[REDACTED].

ISSUE

Did claimant withdraw her hearing request?

FINDINGS OF FACT

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

- (1) On May 16, 2008, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant did not apply for retro MA.
- (3) On August 12, 2008, MRT denied.

(4) On August 15, 2008, the department issued notice.

(5) On September 4, 2008, claimant filed a hearing request.

(6) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on October 13, 2008, SHRT once again denied claimant.

(7) Prior to an issuance in review by the undersigned Administrative Law Judge, on July 9, 2010, the undersigned Administrative Law Judge received a letter from claimant's counsel withdrawing the hearing request. No verifications were attached regarding approval from the Social Security Administration.

#### CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per PAM, Item 600.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

As noted in the Findings of Facts, on July 9, 2010, claimant's counsel delivered a letter to SOAHR indicating that claimant was withdrawing the hearing request. Counsel indicated that claimant was approved Social Security. However, no verification was attached regarding the same. This Administrative Law Judge was issuing this decision to indicate that claimant's hearing request is dismissed. This decision in no way orders the department to open MA and/or SDA without proper verification as required under its usual policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact decides that it is not necessary for the Administrative Law Judge to decide the matter that was in dispute due to claimant's hearing withdrawal request pursuant to MAC R 400.906 and MAC R 400.903.

Claimant's hearing request is hereby DISMISSED.

/s/ \_\_\_\_\_  
Janice Spodarek  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 14, 2010

Date Mailed: July 19, 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.

JGS/tg

cc:

