

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.: 2009-31256  
Issue No.: 2000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
September 17, 2009  
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 September 17, 2009. The claimant appeared for the hearing. Claimant was represented by

[REDACTED].

ISSUE

Was a timely hearing request filed to protest the Department of Human Services' (DHS or department) denial of claimant's application for Medical Assistance (MA)?

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 March 16, 2009, an application was filed on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to February of 2009.
- 2) On March 23, 2009, the department denied claimant's application for benefits.

- 3) On June 25, 2009, a hearing request was filed to protest the department's determination.

#### CONCLUSIONS OF LAW

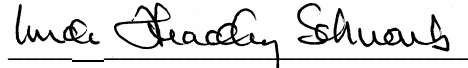
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The regulations governing the hearing and appeals process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC R 400.901-400.951). Any hearing request that protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902-400.904; 42 CFR 431.221(a). In this case, the department denied claimant's application for benefits on March 23, 2009. A hearing request was not received by the department until June 25, 2009. Claimant's hearing request was filed in excess of 90 days from the mailing of the department's negative action notice. As such, the hearing request must be dismissed as untimely.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a timely hearing request was not filed to protest the department's denial of

claimant's application for Medical Assistance. Accordingly, the request for hearing must be dismissed as untimely.

  
Linda Steadley Schwarb  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: January 22, 2010

Date Mailed: January 25, 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 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.

LSS/pf

cc:

