

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: 2009-33174
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 August 6, 2009. After due notice, a hearing was held September 16, 2009.

Prior to the closure of the hearing record, the claimant's representative, [REDACTED] indicated that the examination the department ordered was a physical examination, not a psychological evaluation as was agreed upon. The claimant's representative indicated that the claimant is not able to see a psychiatrist because her physician prescribes her medications and she is only authorized to see a therapist, which MRT will not review when determining disability. [REDACTED] indicated that he requested the department to order a psychological examination to provide evidence of the psychological component of the claimant's alleged disability. The department representative testified that they weren't sure which examination had been specified by the claimant's representative and indicated they were not opposed to ordering a psychological examination for MRT to review.

Therefore, the department agreed to provide a psychological examination for the claimant, as this Administrative Law Judge determined the physical examination may have been ordered by mistake. The department will reinstate the claimant's FIP benefits and will order the psychological examination to be reviewed by MRT, who will then make a determination based on the whole medical record.

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/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2009

Date Mailed: October 21, 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 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.

SLK 

cc:

