

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: 2010-24098
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2010
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 telephone hearing was held on May 6, 2010, in Holland. Claimant personally appeared and testified under oath.

The department was represented by Dan Boter (Program Manager).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department take a negative action on claimant's request for MA coverage of her [REDACTED] totaling \$189?

FINDINGS OF FACT

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

(1) Claimant is a former MA-Caretaker Relative recipient. Claimant is eligible for full coverage MA-Caretaker Relative benefits for March 2010.

(2) Claimant's MA-Caretaker Relative case closed May 1, 2010, due to claimant's failure to provide verification of her financial eligibility factors.

(3) On November 5, 2009, the department notified claimant (DHS-1605) that claimant's MA deductible/spend-down was \$26 (claimant did not contest this deductible during the hearing).

(4) The November 5, 2009 DHS-1605 notified claimant that she was required to report her medical expenses to the department within 90 days if she wanted MA assistance for payment.

(5) At the hearing, claimant testified that she wanted a hearing on the department's failure to pay her [REDACTED].

(6) On March 5, 2010, claimant received medical services from [REDACTED] in the amount of \$189.

(7) Claimant did not report her [REDACTED] bill to the department until she appeared at the hearing on May 6, 2010.

(8) Prior to the hearing, the department had no notice of claimant's [REDACTED] bill.

(9) The department records show claimant met her MA-Caretaker deductible-spend-down for March 2010; claimant is eligible for full MA-Caretaker benefits for March 2010.

(10) During the hearing, the Program Manager testified he was unable to say whether or not the department could pay claimant's [REDACTED] bill.

(11) In order to approve claimant of the disputed bill, the department must determine the following:

- (a) Whether the [REDACTED] services were covered services under Medicaid; **and**

- (b) Whether the [REDACTED] bill had been previously paid.

(12) On the hearing date, the department had not processed claimant's request for payment of the [REDACTED] bill and had not issued a negative action notice on claimant's MA-Caretaker Relative claim.

(13) The program manager agreed to process claimant's [REDACTED] bill in a timely fashion and notified claimant whether she is eligible for coverage.

(14) On May 6, 2010, claimant requested a hearing on her request to have a new caseworker assigned. Claimant's request had been previously denied by the Ottawa Program Manager, for unstated administrative reasons. (**NOTE:** The ALJ has no jurisdiction to hear this issue.)

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 department policy states there must be a negative action in order to trigger the right to a hearing. MAC R 400.903.

Since the department has not taken a negative action on claimant's request for payment of her [REDACTED] bill, the issue which claimant raised at the hearing is not ripe for adjudication by the undersigned Administrative Law Judge.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that he has no jurisdiction in this matter because there is no negative action to review.

The hearing request filed by claimant on December 7, 2009 is, hereby, DISMISSED due to lack of jurisdiction.

SO ORDERED.

/s/

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 11, 2010

Date Mailed: June 14, 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.

JWS/tg

cc:

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