

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-52798
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 19, 2011
DHS County: Wayne (82-82)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

ORDER OF DISMISSAL

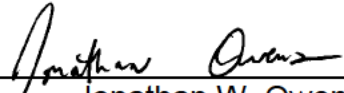
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on January 19, 2011. Claimant appeared and testified.

Under Bridges Administrative Manual Item 600, clients have the right to contest any Department of Human Services' (Department) decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continue through the day of the hearing.

In the present case, on August 9, 2010, Claimant requested a hearing, protesting the denial of her Medicaid (MA) application dated March 3, 2010. Claimant concedes she received the notice of this case action on or shortly after April 26, 2010. The Department fulfilled its obligation by sending a proper written notice of case action on April 26, 2010.

Claimant's hearing request protesting the denial of her MA application case is untimely. Clients have 90 days from the date of the Department's negative action to request an administrative hearing. According to MAC R 400.904(4), a client is given 90 days from the mailing of the proper notice of case action to request a hearing. Claimant failed to request a hearing within 90 days of the mailing of the notice.

Therefore, Claimant's hearing request must be dismissed. According to the provisions of BAM, Item 600, p.4, Claimant's request for a hearing is hereby DISMISSED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 8, 2011

Date Mailed: February 8, 2011

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.

JWO/pf

cc:

