

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: 2010-28724
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2010
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on June 17, 2010. Claimant did not appear. Appearing on claimant's behalf was her son [REDACTED].

Claimant's hearing request was filed on January 5, 2010, contesting a retroactive Medicaid (MA) denial. Department notified the claimant of this denial on April 2, 2009, as required by MAC R 400.902.

MAC R 400.904 lays out the timeliness requirements for filing a request for a hearing. This rule specifies when a hearing request is considered to be timely:

A claimant shall be provided 90 days from the mailing of the notice in R 400.902 to request a hearing. MAC R 400.904(4).

Claimant did not request this hearing in a timely manner. Claimant's son states that his sister was handling the claimant's application at the time and failed to file the hearing request for several months. Claimant's son further states that the departmental staff is somehow at fault for the hearing request being late as the family had a difficult time communicating with caseworkers. Department has provided the denial notice in question for this hearing. The notice was sent on April 2, 2009 and clearly states under the heading "HEARINGS" the following:

"If you disagree with this action or think it is incorrect, you may request a hearing within 90 days of the date of this notice."

Therefore, no valid reason for claimant's failure to file a timely hearing request can be found and claimant's hearing request is hereby DISMISSED in accordance with MAC 400.906.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 21, 2010

Date Mailed: June 21, 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.

IR/tg

2010-28724/IR

cc:

