

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201032119
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 23, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 23, 2010. The claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

1. Is the claimant entitled to a hearing regarding the status of his application for Medical Assistance while the application is pending for review by the Medical Review Team?
2. Does the Administrative Law Judge have jurisdiction to hear this matter?

FINDINGS OF FACT

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

- (1) Claimant filed a request for hearing on February 2, 2010 claiming he had been denied medical assistance by the Department. Exhibit 1
- (2) The claimant applied for medical assistance (SDA) on January 26, 2010 and his case was referred to been medical review team for review as to whether the Claimant was disabled.
- (3) At the time he requested a hearing the department had not taken final action on whether the claimant was eligible for medical assistance or SDA.

- (4) The medical review team only recently decided (July 26, 2010) that the claimant was not eligible for medical assistance or SDA and the claimant's application was denied.
- (5) The present hearing request by the claimant does not involve the medical review team decision as the claimant testified that he had never received the decision or Notice of Case Action denying his application for Medical Assistance.
- (6) At the time of the claimant's hearing request there was no negative action taken by the department upon which claimant could request a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any negative agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal.

BAM 600 states:

“SOAHR may grant a hearing about any of the following:

- denial of an application and/or supplemental payments
- reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits are services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits are denial of expedited service.

In the instant case there is no action or other event that is reviewable by the Administrative law judge with regard to the Claimant's hearing request of February 5, 2010 as no medical assistance application had been denied at that time. The Claimant apparently erroneously believed that he had been denied SDA benefits. This being the

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case, the Claimant's request must be dismissed as there is not an issue to be decided by the request as it is not ripe for review.

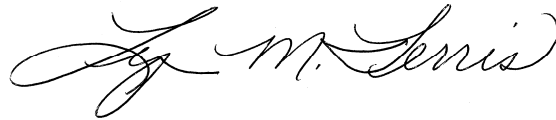
As regards the finding by the MRT and the more recent denial of the Claimant's application for SDA and Medicaid, the Claimant may still request a hearing with regard to those actions taken by the Department if he deems it appropriate.

As there was no negative Department action in regard to claimant's application for Medical Assistance and SDA at the time the Claimant requested a hearing, and therefore no reviewable action for the Administrative Law Judge to consider, Claimant's request for hearing must be dismissed for lack of jurisdiction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that there is no jurisdiction to hear a case.

Accordingly, this case is, hereby, DISMISSED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/24/2010

Date Mailed: 9/24/2010

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.

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