

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: 2010-36300
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 10, 2010
Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an in-person hearing was scheduled on August 10, 2010 pursuant to [REDACTED]' request for an in-person hearing.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) and State Disability Assistance (SDA) application?

FINDINGS OF FACT

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

- (1) On [REDACTED] applied for MA-P on behalf of claimant representing [REDACTED].

(2) The Hearing Summary indicates there is some question regarding proper authorization to represent on behalf of claimant by [REDACTED].

(3) On February 23, 2010 claimant was denied.

(4) On June 23, 2010 SOAHR scheduled a telephone hearing.

(5) On June 16, 2010 [REDACTED] requested an adjournment requesting an in-person hearing.

(6) On July 22, 2010 SOAHR scheduled an in-person hearing for August 10, 2010 at the Lapeer County DHS in Lapeer, Michigan, assigning the case to Judge Spodarek.

(7) On August 10, 2010, the undersigned Administrative Law Judge traveled to Lapeer County for the in-person hearing. Claimant's representative failed to appear. The ALJ was not given any notice of any request for an adjournment or a withdrawal prior to the scheduled time and place for the in-person administrative hearing incurring expense and time for this hearing for which the representative and claimant failed to appear.

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).

As noted in the Findings of Facts, [REDACTED] initially had a telephone hearing scheduled on behalf of claimant. On [REDACTED] requested an adjournment of the telephone hearing and asked that the hearing be rescheduled as an in-person hearing. On July 22, 2010 SOAHR scheduled the hearing for an in-person hearing, notifying [REDACTED] and the claimant. The hearing was scheduled for Tuesday, August 10, 2010, at 1:30 p.m. The hearing was assigned to ALJ Spodarek. The undersigned Administrative Law Judge incurred time and expense in traveling to

2010-36300/JGS

Lapeer County, in Lapeer, Michigan, for the in-person hearing scheduled at 1:30 p.m. Claimant failed to appear. [REDACTED] failed to appear. The undersigned Administrative Law Judge was given no information or notice that [REDACTED] would not appear or was requesting any kind of withdrawal. The department's action is upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that due to claimant and [REDACTED] failure to notify the undersigned Administrative Law Judge of any request for an adjournment and/or withdrawal, the department's actions are UPHELD.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 23, 2010

Date Mailed: August 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 mailing date of the rehearing decision.

JS/tg

cc:

