

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: 2010-40416
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 10, 2010
Calhoun 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 August 10, 2010. Claimant did not appear as she is in a nursing home. Appearing on claimant's behalf was her son and legal guardian [REDACTED].

Claimant's hearing request was filed on March 15, 2010 contesting a Medicaid (MA) application denial of December 28, 2009. Hearing testimony reveals that claimant was an MA recipient until the end of June, 2009. Claimant's MA case closed at that time as no review materials were returned. A new application was made for the claimant on November 30, 2009, but that application was denied on December 28, 2009 due to failure to return requested verifications.

[REDACTED] stated that he did not receive review correspondence or termination letter, items mailed to his current address in May and June, 2009 respectively. Department has copies of the letters and they are addressed to correct address for [REDACTED]. [REDACTED] then states

that his daughter moved out of his home around May or June, 2009, and that her change of address perhaps misdirected mail sent to him. Such occurrence cannot be considered to be the fault of the department.

In addition, termination of claimant's MA case took place at the end of June, 2009. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

Second issue in this hearing is claimant's new MA application filed in November, 2009. [REDACTED] states that he did receive verification request letter from the department but did not address it, and that being a guardian to the claimant is too much for him to handle. [REDACTED] does not wish to pursue the hearing issue any further.

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: August 12, 2010

Date Mailed: August 12, 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

cc:

