

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: 2010-43903

Issue No: 2021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 14, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, a telephone hearing was held on October 14, 2010.

ISSUES

- (1) Was good cause for continuation of hearing established?
- (2) Was excess income established?

FINDINGS OF FACT

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

- (1) Negative case action: MA application on March 17, 2010 denied March 26, 2010 based on excess income with an approval for a "deductible" per BEM 163/500 and RFT 240/242.
- (2) Claimant admitted that the negative action was not contrary to DHS policy based on competent evidence introduced at the hearing; she wanted a continuation of the hearing to

show otherwise by introducing social security documentary evidence regarding the issue above at a later date.

(3) On March 26, 2010 notice of case action to the claimant regarding EXHIBITS states: If you or your witnesses have documents or written materials that you want the Administrative Law Judge to consider in this hearing bring them to the hearing, and INFORMATION: If you do not understand your rights or the procedures involved in this hearing, you may consult administrative hearings at 1-800-648-3397 or 517-373-0722. Your worker may also have a list of free legal services in your area.

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).

Facts above are undisputed.

Continuation of Hearing

Continuances may be granted for good cause. MAC R400.915.

Good Cause----- A circumstance which is considered a valid reason for not complying with a requirement. PRG glossary, page 15.

Based on the undisputed facts above the claimant has not established that it was beyond her control to have adequately prepared her evidence for the hearing. Therefore, continuation of the hearing is denied.

Excess income

Based on the undisputed facts above, excess income was established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause for continuation of the hearing was not established and excess income was established.

Accordingly, continuation of hearing DENIED, and MA denial UPHELD.

/s/

William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2010

Date Mailed: October 27, 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 receipt 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.

WAS/ [REDACTED]

cc: [REDACTED]