

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-12283
Issue No: 2000

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Suzanne Morris

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37 upon a Stipulated Order to Remand from [REDACTED]. The Court ordered the claimant's hearing request to be considered timely and the State Office of Administrative Hearings and Rules must address the substantive issue of the reduction in his home help services payment.

Prior to the closure of the hearing record, it was determined that the claimant was disputing the reduction of his home help services payment. The claimant does not dispute the Department of Human Services (DHS) decision that his MA deductible is [REDACTED]. In fact, the claimant agreed that his MA deductible amount was calculated correctly by DHS.

The State Office of Administrative Hearings and Rules for DHS does not have the authority to hold a hearing and issue a final Decision and Order regarding an applicant's or beneficiary's eligibility for home help services payment benefit amount. According to the Delegation of Authority signed by the Department of Community Health Director, effective May 1, 2005, the Michigan DCH Appeals Section was given the authority to hear and issue final decisions on requests for review received from individual applicants or beneficiaries who are requesting hearings on home help services. Specifically, the Michigan DCH Appeals Section has the authority to review each case involving home help care eligibility and determine whether the DCH staff applied policies pertinent to the facts of the case. Further, the Appeals Section is required to fulfill its duties and responsibilities under the direction, and supervision of the DCH Director of the Office of Legal Affairs.

Thus, this Administrative Law Judge, being a Department of Human Services judge, does not have jurisdiction to hold a hearing on the claimant's issue of home help services. Therefore, this hearing is dismissed and the issue of claimant's home help services eligibility/payment amount must be scheduled, reviewed and resolved by the DCH Appeals Section.

/s/
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 2/24/11

Date Mailed: 2/24/11

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.

[REDACTED]