

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201115706
Issue No: 2027

[REDACTED]
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37; upon claimant's request for a hearing filed on January 13, 2011. After due notice, a hearing was held [REDACTED]

In this case, the Claimant was an ongoing Medical Assistance (MA) recipient. The Claimant stopped receiving Supplemental Security Income (SSI) benefits and on September 8, 2010, the Department determined that the Claimant was eligible for Medical Assistance (MA) with an [REDACTED] patient deductible as of October 1, 2010. The Department received the Claimant's request for a hearing on January 13, 2011, protesting the establishment of a patient deductible for his Medical Assistance (MA) benefits.

Claimants have 90 calendar days from the date of the written notice of case action to request a hearing and the request must be received anywhere in DHS within the 90 days. BAM 600.

In this case, the Department received the Claimant's request more than 90 days after giving him notice that it would place him on Medical Assistance (MA) with a patient deductible.

The Claimant argued that he submitted his hearing request on September 23, 2010, which is less than 90 days after the Department's case action. The Claimant submitted a letter addressed to him from the Department dated November 10, 2010, which states that a hearing summary has been prepared because he requested a hearing. However, the Claimant failed to establish that this letter has any connection to the current hearing request, which was signed September 23, 2010, but not received by the Department until January 13, 2011.

Therefore, claimant's hearing request is HEREBY DISMISSED, because SOAHR for the Department lacks jurisdiction to hear and decide the Claimant's issue.

DECISION AND ORDER

The Claimant's request is HEREBY DISMISSED, because SOAHR for the Department lacks jurisdiction to hear and decide the Claimant's issue.

_____/s/_____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: __5/11/11____

Date Mailed: __5/11/11____

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 60 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.

