

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

IN THE MATTER OF:



Reg. No. 201130204
Issue No. 2000
Case No. [REDACTED]
Hearing Date: June 20, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on June 20, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Specialist, appeared and testified.

ISSUE

Whether Claimant timely requested an administrative hearing to dispute a 10/12/10 denial of MA benefits

FINDINGS OF FACT

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

1. On 10/5/10, Claimant applied for MA benefits (see Exhibit 3).
2. On 10/12/10 Claimant's application was denied for MA benefits for not meeting an eligible category for Medicaid and being over income for Adult Medical Program (AMP) benefits.
3. On 3/22/11, Claimant requested a hearing disputing the denial of MA benefits.

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). DHS (formerly known as the Family Independence Agency) administers the MA program

pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The undersigned will refer to the DHS regulations in effect as of 10/2010, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

BAM 600 contains the DHS policy for administrative hearings including the client deadline to file a hearing request. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4.

The undersigned had immense difficulty in determining what DHS action that Claimant intended to dispute when he requested an administrative hearing. Claimant's request for a hearing read "Request another hearing never got mine in January told to you wait it paperwork takes awhile". After hearing Claimant's testimony, Claimant seemed to intend to dispute a denial of MA benefits.

Claimant seemed to indicate that there was a 1/2011 application or hearing request though DHS had evidence of neither. Claimant's testimony was not particularly helpful in determining whether there was a 1/2011 application or hearing request. Claimant repeatedly referred to a hearing request in describing the application process. Based on the evidence of DHS and Claimant, it is found that Claimant's only hearing request was dated 3/22/11 and Claimant's most recent application was dated 10/5/10.

Based on the 10/12/10 denial date of Claimant's MA benefit application dated 10/5/10, Claimant's hearing request submitted on 3/22/11 was not timely. The undersigned need not consider the merits of Claimant's request due to the untimely request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely request a hearing to dispute the denial of his application dated 10/5/10. Claimant's hearing request is DISMISSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

201130204/CG

Date Signed: June 29, 2011

Date Mailed: June 29, 2011

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.

CG/ctl

cc: [REDACTED]
Macomb County DHS (20)
[REDACTED]
Christian Gardocki
Administrative Hearings