

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No: 2011-7857
Issue No: 2021
Case No: ██████████
Hearing Date: March 3, 2011
Jackson County DHS (38)

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 March 3, 2011 in Jackson. Claimant is deceased. Claimant was represented by ██████████, from ██████████.

The Department was represented by Don Baidak.

The Administrative Law Judge appeared by telephone from Lansing.

ISSUES

- (1) Did the claimant file a timely hearing request on the January 12, 2010 denial of his MA application?
- (2) Did the Department correctly process claimant's MA application?

FINDINGS OF FACT

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

- (1) On July 2, 2009, ██████████ filed an application for Medical Assistance benefits on claimant's behalf.
- (2) On July 2, 2009, the claimant died.
- (3) Department of Human Services registered claimant's application. However, due to a processing delay, the department was not able to process the application and make an eligibility decision within the applicable standard of progress.

- (4) On January 12, 2010, DHS denied claimant's MA application with a DHS 1150 "Application Notice". The DHS 1150 states in pertinent part.

DHS Policy states that "only a Probate Court can create a deceased's estate. The court will also appoint someone to act as a representative of the estate." BAM 110. Please provide documents from the courts if you wish to reapply.

- (5) A handwritten notation on the bottom of the DHS 1150, mailed on January 12, 2010, establishes that the application notice (denial) was sent to [REDACTED] on January 12, 2010.
- (6) [REDACTED] had 90 days to dispute the DHS denial of claimant's MA-P application.
- (7) On June 23, 2010, approximately 153 days after the DHS-1150 was mailed to [REDACTED] requested a hearing.
- (8) Claimant's June 23, 2010, hearing request does not meet DHS timeliness standards.

CONCLUSIONS OF LAW

The Administrative Law Judge has jurisdiction to hold hearings only on his issues which are contested in a timely fashion. For MA purposes, this means claimant had 90 days from the date of the written negative action notice (January 12, 2010), was issued. PAM/BAM 600, MAC R 400.906.

Claimant's hearing request was received on June 23, 2010, more than 153 days after the negative action notice was mailed to [REDACTED]. Therefore, claimant's hearing request was not timely.

Since claimant did not file a timely hearing request, the Administrative Law Judge has no jurisdiction to rule on the merits of Issue #2. PAM/BAM 600, MAC R 400.96.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that he has no jurisdiction to rule on the substantive issues raised by claimant in this matter.

Based on claimant's failure to file a timely hearing request, this matter is dismissed due to lack of jurisdiction.

SO ORDERED.



Jay W. Sexton
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 30, 2011

Date Mailed: August 30, 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.

JWS/ds

cc:

