

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201147025
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: October 25, 2011
County: Oakland County DHS #2

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

CONSENT ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 25, 2011, in Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

The Bridges Administrative Manual (BAM) 600, p. 4, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

The Claimant in this case filed a hearing request on December 21, 2010 to seek retroactive Medical Assistance (MA) benefits from January 2010 through August 2010. Because the Claimant's request for hearing was not within ninety days of the disputed action taken by the Department, this request for hearing must be dismissed for lack of jurisdiction.

However, during the hearing, the Department agreed to go back and relook at the Claimant's medical expenses from January 2010 through August 2010 and make a redetermination as to the Claimant's eligibility for MA during this time period.

Because of this settlement on the record, I ORDER the Department to:

1. Initiate a redetermination of the Claimant's eligibility for MA benefits beginning January 1, 2010 and ending August 31, 2010 and to issue any retroactive benefits if otherwise eligible and qualified.

2011-47025/CAA

Further, in accordance with MAC R 400.902; 400.903 and 400.904, Claimant's hearing request is **HEREBY DISMISSED**, because the Claimant's hearing request was not submitted timely.

It is SO ORDERED.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 27, 2011

Date Mailed: October 28, 2011

NOTICE: Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error , or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
- the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

cc:

