

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No. 2011-53046
Issue No. 1000
Case No. [REDACTED]
Hearing Date: December 13, 2011
Oakland County DHS (#4)

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 hearing was held on December 13, 2011.

ISSUE

Was claimant entitled to a hearing without a written request for the hearing?

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 September 25, 2009, claimant applied for Medicaid (and three months retro).
2. On August 11, 2011, claimant requested a hearing based on delay in determining eligibility per BAM 115, page 11.
3. On August 30, 2011, claimant was notified of the Medicaid application denial.
4. Claimant did not submit a written hearing request regarding the August 30, 2011 denial.

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). The Department of Human Services (DHS or department) 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 Bridges Reference Manual (BRM).

Facts above are undisputed.

MAR 400.903(1) provides that a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness.

In this case, claimant first requested a hearing based on his application not being acted upon with reasonable promptness. Then the DHS processed the application and sent the claimant a denial notice.

At the hearing, the claimant no longer wanted a hearing on the promptness matter, but on the subsequent denial of the application.

MAR 400.904(1) requires a hearing request be submitted in writing and signed by the claimant.

The undisputed evidence of record does not establish a written hearing request based on the negative case action.

Therefore, this ALJ has no jurisdiction to conduct a hearing in this matter per MAR 400.906(1)(d).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant was not entitled to a hearing without a written request for a hearing.

Accordingly, Medicaid denial is UPHELD.

William A Sundquist

William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 3, 2012

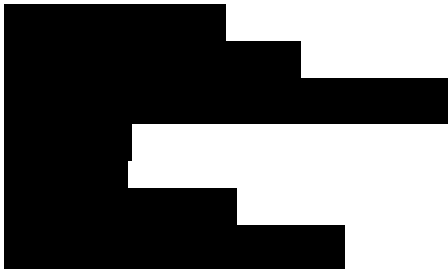
Date Mailed: January 3, 2012

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.

WAS/tg

cc:

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