

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. 20119940
Issue No. 2000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: January 20, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 20, 2011. The Claimant appeared and testified.

[REDACTED], ES appeared on behalf of the Department.

ISSUE

Did the Department properly deny Claimant's Medical Assistance application for failing to return verifications?

FINDINGS OF FACT

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

1. Claimant applied for Medical Assistance on March 26, 2010.
2. Claimant was approved for Medical Assistance in March 2010 with 3 months retroactive coverage.

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3. Claimant discovered that medical bills from November 2009 were not covered when collection agents began contacting her.
4. Claimant requested a hearing on November 9, 2010 contesting the processing of MA benefits.
5. Claimant's request for hearing is untimely.

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 (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 Program Reference Manual (PRM).

Department policy dictates deadlines for requesting a hearing all programs-- The AHR or, if none, the client 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. BAM 600.

In the present case, the Department notified Claimant of her award of MA benefits in March 2010. Claimant did not request a hearing until November 2010, well outside the 90 day requirement. Therefore, Claimant's request for hearing is untimely. BAM 600. Claimant argued that she was not aware that her November 2009 bills would not be covered until she began receiving calls from collection agencies, and that is when she took action to request a hearing. The notice of case action issued in March 2010 clearly

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informed Claimant which months she had coverage. If Claimant wished to dispute this she needed to request a hearing within the 90 day deadline. BAM 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Claimant's request for hearing was untimely and it is ORDERED that her request for hearing in this regard be and is hereby DISMISSED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2011

Date Mailed: February 7, 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.

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cc:

