

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

IN THE MATTER OF:



Reg. No.: 2012-12991
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 5, 2012
County: St. Clair

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

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 January 5, 2012, from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

In the instant matter, Claimant was 18 (eighteen) years old and received MA benefits under the Other Healthy Kids (OHK) category. On February 10, 2011, Claimant became 19 (nineteen) years old. The Department continued to provide Claimant with MA-OHK benefits through July, 2012. Following a redetermination, the Department, on July 12, 2011, mailed Claimant a Notice of Case Action (DHS-1605), which closed Claimant's MA-OHK benefits and changed her MA to a \$702.00 deductible (MA-Group 2 under 21). On October 17, 2011, the Department received Claimant's request for hearing.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903 provides in relevant part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. [R 400.903(1).]

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, 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. [Emphasis added.]

The record shows that the Department sent Claimant a Notice of Case Action (DHS-1605) advising Claimant of its decision to close Claimant's MA-OHK and change her MA to a deductible. The Department's Notice of Case Action to Claimant was dated July 12, 2011. However, Claimant did not file a request for hearing to contest the Department's action until October 17, 2011. Claimant's hearing request was therefore not timely filed within ninety days of the Notice of Case Action, and is therefore DISMISSED for lack of jurisdiction. BAM 600, p 4.

It is SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 1/9/12

Date Mailed: 1/9/12

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

CAP/ds

