

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201214265
Issue No: 2000
Case No: [REDACTED]
Hearing Date: January 4, 2012
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 2, 2011. After due notice, a telephone hearing was held on Wednesday, January 4, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's retroactive Medical Assistance (MA) eligibility for the months of June 1, 2010, through August 31, 2010?

FINDINGS OF FACT

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

1. The Department received the Claimant's request for a hearing on May 4, 2010, protesting the Department's determination that she was not eligible for State Disability Assistance (SDA) benefits.
2. On July 16, 2010, the Michigan Administrative Hearing System determined that the Department improperly determined the Claimant's eligibility for State Disability Assistance (SDA) benefits.
3. The Department received the Claimant's request for a hearing on November 2, 2011, protesting the Department's refusal to issue Medical Assistance (MA) and retroactive Medical Assistance (MA) benefits.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600. The State Office of Administrative Hearings and Rules ("SOAHR") may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service
- Suspension or termination of program benefits or service
- Restrictions under which benefits or services are provided
- Delay of any action beyond the standard of promptness
- For FAP only, the current level of benefits or denial of expedited service

BAM Item 600, page 1. Additionally, for MA purposes, SOAHR may grant a hearing on other issues not applicable here, such as community spouse income, allowance, asset assessment, etc.

The Claimant argued that she applied for Medical Assistance (MA) and State Disability Assistance (SDA) alleging disability and that the Department failed to approve her for Medical Assistance (MA) benefits.

The Department's representative testified that the Department has no record of an application submitted by the Claimant for Medical Assistance (MA) benefits for the months of June 1, 2010, through August 31, 2010. The Claimant failed to establish that she applied for Medical Assistance (MA). Since the Department did not deny or reduce any Medical Assistance (MA) benefits for the months of June 1, 2010, through August 31, 2010, the Michigan Administrative Hearing System for the Department of Human Services lacks the jurisdiction to hear or decide upon the Claimant's grievance. Therefore, the Claimant's hearing request must be dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Request for Hearing is **DISMISSED**.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 10, 2012

Date Mailed: January 11, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/tb

cc:

