

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201226397
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: April 25, 2012
Kent County DHS

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 3-way telephone hearing was held on Wednesday, April 25, 2012. Claimant appeared with his authorized representative, [REDACTED].

ISSUE

Was reason for negative case action established?

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 December 2, 2011, the Department of Human Services (DHS) terminated the Claimant's MA-P/SDA with a hearing request on January 18, 2012 (medical packet, page 1).
2. The DHS claims the reason for the termination was based on a final and binding Social Security Administration (SSA) denial since the MRT approval in December 2010.
3. Claimant claims the reason for the termination was based on MRT/SHRT determination of a recovered non-disability.
4. Neither party had a copy of the negative case action notice issued on December 12, 2011.

5. The notice of case action reference by the Department of Human Services (DHS) dated December 2, 2011 does not give a reason for the termination (medical packet, page 5).

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

MAC R 400.902(l)(b) in pertinent part states: Notice of Negative Action shall include the reasons for the intended action.

Neither party could provide the intended reason for the above.

Therefore, this Administrative Law Judge (ALJ) has no jurisdiction to hear the case. MAR R 400.906(l)(d).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the reason for Negative Case Action has not been established.

Accordingly, the Administrative Law Judge has no legal jurisdiction to conduct a hearing, and therefore, the hearing request is **DISMISSED**. It is ordered that the Department of Human Services notify the Claimant/Representative with a copy of the Negative Case Action notice with the reason for the Negative Case Action within 10 work days. Then, if the Claimant still wants a hearing, to request same within the time limits under MAC R 400.904(4).

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

Date Signed: May 21, 2012

Date Mailed: May 22, 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/tb

cc:

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