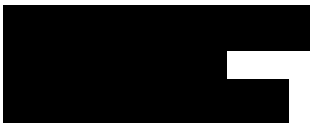


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2012-37947
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: May 2, 2012
County: Genesee-02

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge Armstrong by authority of MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing filed on February 29, 2012. After due notice, an in-person hearing was held May 2, 2012. Claimant personally appeared and provided testimony.

Claimant is requesting a hearing from the February 18, 2012, Notice of Case Action that Informed her that her Medicare Savings Program would close effective 3/1/12, and her Medicaid had been denied beginning 3/1/12. At the time this hearing request was submitted, the proposed negative actions had been corrected by the February 23, 2012, of which Claimant was in receipt and had with her at the hearing. The February 23, 2012, Notice of Case Action indicated that her Medicare Savings Program had been approved beginning 3/1/12, and she had met her deductible for March and April, 2012, showing that her Medicaid had not been denied as indicated on 2/18/12. Therefore, no negative action had been taken by the department on Claimant's Medicare Savings Program and Medicaid when Claimant's hearing request was submitted.

Mich Admin Code, Rule 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for 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, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code, Rule 400.903(1).

At the time of Claimant's hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate Claimant's MA benefits. Under the administrative rule discussed above, Claimant does not have a right to a hearing and thus, this Administrative Law Judge has no jurisdiction in this matter.

Claimant did want to contest the action of her deductible being met for May 2012, as indicated on the Notice of Case Action dated 2/23/12. The department allowed her to submit a new hearing request during the hearing regarding the Notice of Case Action dated 2/23/12, and counted the hearing request as timely, in order to hold her current Medicaid case open pending a new hearing.

Claimant's hearing request is **HEREBY DISMISSED** for lack of jurisdiction. It is **SO ORDERED**.

/S/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/4/12

Date Mailed: 5/4/12

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 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.

VLA/ds

