

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201261987
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: October 4, 2012
Iron 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 telephone hearing was held on October 4, 2012. Claimant appeared with his authorized hearings representative, [REDACTED] Legal Services of Northern Michigan. Participant s on behalf of the Department of Human Services (Department) included [REDACTED]

The record was extended 90 days for a 2nd SHRT review of medical reports introduced at the hearing. (Claimant Exhibit 1).

ISSUE

Was jurisdiction for the Administrative Law Judge (ALJ) to conduct a hearing established by the Department of Human Services (DHS)?

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's last SDA approval was on April 16, 2012.
2. On an unknown date the DHS terminated the Claimant's SDA based on a recovered non-severe impairment, and denied his MA-P application on an unknown date, with a hearing on an unknown date.

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 Bridges

Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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) and the Bridges Reference Manual (BRM).

Facts above are undisputed.

MAC R 400.901. An applicant or recipient shall be informed in writing at the time of application and at hearing of any action affecting his claim:

- a. Of his right to a hearing, as provided in MAC R 400.903
- b. Of the method by which he may obtain a hearing, as provided in MAC R 400.903.

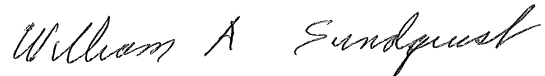
There is no evidence of record as to the dates of the negative case notices and requests for a hearing in order to determine whether or not this ALJ had jurisdiction to conduct a hearing pursuant to MAC R 400.906 (1)(d) and timeliness of the hearing request pursuant to MAC R 400.904(4).

In this case, the DHS could not establish the negative case action dates or the dates for the hearing requests in order to determine if the ALJ has jurisdiction to conduct a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides jurisdiction for the ALJ to conduct a hearing has not been established by the Department of Human Services.

Accordingly, SDA termination and MA-P denial is **REVERSED**, and the Department of Human Services is Ordered to comply with the case action notice requirements as discussed above.



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

Date Signed: February 12, 2013

Date Mailed: February 12, 2013

201261987/WAS

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/hj

cc:

