

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-20313
Issue No.: 2000; 4000
Case No.: [REDACTED]
Hearing Date: April 8, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

ORDER OF DISMISSAL

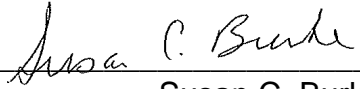
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a hearing was held on April 8, 2013, in Pontiac, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative, [REDACTED] f [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]

During the hearing this Administrative Law Judge discovered that on July 23, 2012, the Social Security Administration (SSA) denied Claimant's SSI application dated March 16, 2011 with an alleged onset date of April 13, 2010. Claimant did not appeal this determination.

In his request for hearing herein, Claimant appealed a denial of a disability-based Medicaid application dated May 18, 2012. Claimant's AHR indicated for the record that the medical evidence will not show any "other" impairments not considered by SSA nor will the evidence demonstrate objective findings which would show significant worsening of Claimant's condition. (See BEM 260.) Based upon 42 CFR 435.541 SSA has made a final determination. Therefore a final determination has been made on this matter. BEM 260

Administrative Hearings' jurisdiction ends when the SSA denies the grant of benefits and an appeal of this determination is not made within 60 days. Therefore, this Administrative Law Judge does not retain jurisdiction in this matter and the Claimant's request for a hearing regarding MA-P is DISMISSED. It is also noted that Claimant's hearing request included an SDA application, but Claimant's AHR did not pursue a hearing with regard to disability with regard to SDA alone. Therefore, Claimant's hearing request with regard to SDA is also DISMISSED.

Based on the above discussion, it is ORDERED that Claimant's hearing request for MA-P and SDA is DISMISSED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 22, 2013

Date Mailed: April 23, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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 mailing date of the rehearing decision.

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

SCB/tm

cc:

