

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201320887
Issue No: 2000
Case No: [REDACTED]
Hearing Date: April 11, 2013
Ionia 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 Thursday, April 11, 2013. Claimant appeared and provided testimony on his behalf with [REDACTED] and [REDACTED] Participants on behalf of the Department of Human Services (Department) included AAG [REDACTED]

ISSUE

Was timely hearing request 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. Claimant applied for MA-P on July 5, 2012, was denied with a DHS notice mailed to the Claimant on October 3, 2012, and requested a hearing by his authorized hearing representative (AHR) on December 26, 2012 and January 7, 2013.
2. On December 26, 2012 Claimant's AHR signed the request for hearing on behalf of the Claimant without an attached document of authorization. (DHS Exhibit A, Pg. 5).
3. On January 7, 2013 the AHR provided the DHS with a hearing request on behalf of the Claimant with the proper attached document of authorization. (DHS Exhibit A, Pgs. 3 & 4).

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.

A request for a hearing shall be in writing and signed by the claimant---- or on his behalf by his authorized representative. ...R 400.904(1)

A claimant shall be provided 90 days from the mailing of the notice ...R 400.902 to request a hearing. ...R 400.904(4).

The undisputed facts established no AHR until after the 90 day period. Therefore, a timely hearing request has not been established by the Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a timely hearing request was not established.

Accordingly, Claimant's hearing request is **DISMISSED** and so ORDERED.

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

Date Signed: April 26, 2013

Date Mailed: April 29, 2013

201319285/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:

