

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201336388
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 6, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on August 6, 2013. Claimant and his authorized hearing representative [REDACTED] appeared and testified. The Department was represented by ES [REDACTED] and [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's October 26, 2012, Medical Assistance (MA) application?

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 October 26, 2013, [REDACTED] Associates submitted an application on Claimant's behalf for Medical Assistance (MA) retroactive to July 1, 2012.
- (2) On December 20, 2012, a Notice of Case Action (DHS-1605) was sent out denying Claimant's application. The notice stated that all extensions had been exhausted, verification of Claimant's bank account for September 2012 had not been received, and no proofs submitted to support Claimant's assertion he did not own 5 vehicles registered in his name with the Michigan Secretary of State.
- (3) On March 27, 2013, [REDACTED] Associates submitted a request for hearing.

CONCLUSIONS OF LAW

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 Program Reference Manual (PRM).

The primary issue involved in denial of this application is ownership of the 5 vehicles. The lowest value of the vehicles combined far exceeds the asset limit for Claimant to be eligible. Claimant asserts he does not own the vehicles. There is no dispute that the Michigan Secretary of State lists Claimant as owner of the vehicles. Claimant asserts he must have been the victim of identity theft. Claimant testified that he gave a report to a police officer.

The evidence presented does not convince this Administrative Law Judge that the Michigan Secretary of State's records showing Claimant as owner of the vehicles is due to identity theft. Regardless of ANY evidence presented in a Department of Human Services (DHS) hearing, an Administrative Law Judge conducting DHS hearings does not have jurisdiction over determinations made by anyone other than employees of DHS. In this case the ownership of the vehicles is a determination made by Michigan Secretary of State. Only a District or Circuit Court has authority to determine that the Michigan Secretary of State's records are incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's October 26, 2012, Medical Assistance (MA) application.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 08/19/2013

Date Mailed: 08/20/2013

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 receipt 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 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.

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

GFH/sw

cc:

