

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH
P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 373-4147

IN THE MATTER OF:

██████████,

Appellant

Docket No. 14-007108 TRN

Case No. ██████████

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon the Appellant's request for a hearing.

After due notice, a hearing was commenced by telephone for all parties on ██████████. Appellant represented herself with no witnesses.

██████████, Appeals Review Officer, represented the Department of Community Health (Department). ██████████, Eligibility Specialist with the DHS, appeared on behalf Department of Human Services (DHS).

ISSUE

Is there jurisdiction to review a request for transportation when the Appellant did not make an 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. Appellant is a ██████ year old female beneficiary of the Medicaid and SSI welfare programs.
2. On ██████████, Appellant filed a Request for a Hearing intimating that she is eligible for transportation reimbursement for doctor visits but that the DHS repeatedly denies her application(s) and "...if it is going to take another hearing, so be it..."
3. At the time of the administrative hearing, all of Appellant's past applications had been processed; the parties stipulated that there were no outstanding warrants yet to be issued. Appellant requested that the hearing go forward in hopes of obtaining a decision ordering the Department to approve future requests.

CONCLUSIONS OF LAW

The Medicaid program was established pursuant to Title XIX of the Social Security Act (SSA) and is implemented by 42 USC 1396 *et seq.*, and Title 42 of the Code of Federal Regulations (42 CFR 430 *et seq.*). The program is administered in accordance with state statute, the Social Welfare Act (MCL 400.1 *et seq.*), various portions of Michigan's Administrative Code (1979 AC, R 400.1101 *et seq.*), and the State Plan promulgated pursuant to Title XIX of the SSA.

Department policy governing medical transportation coverage is found in the Bridges Administrative Manual (BAM), Section 825, Medical Transportation. However, there is no dispute herein regarding Appellant's eligibility. At the time of appellant's ██████████ hearing request, evidently there were outstanding requests Appellant had made for transportation reimbursement. Since that time, the DHS has evidently processed and paid any outstanding requests. Appellant requested that the hearing proceed requesting that this Administrative Law Judge (ALJ) issue a decision ordering the Department timely process and approve Appellant's future transportation requests.

During the hearing the Department's representative moved to dismiss the appeal for lack of jurisdiction on the basis that no negative action had been taken by the Department.

This Administrative Law Judge only has jurisdiction to hear matters related to a denial, reduction, termination, or suspension of a Medicaid covered service. See the Code of Federal Regulations: 42 C.F.R. § 431.200 *et seq.* and 42 C.F.R. § 438.400 *et seq.*

Thus, this ALJ has no authority to review an action that has not taken place.

As to Appellant's complaints regarding the conduct of a state employee, this ALJ has no jurisdiction to review the conduct of a state employee. In the alternative, Appellant's complaints regarding the Department's alleged repeated failure to timely process her requests with regards to her future requests is likewise not a hearable issue.

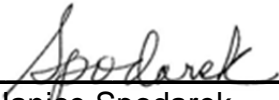
As there is no jurisdiction to review a benefit program denial, including a denial for eligibility for MA with the DCH, this administrative law judge must dismiss Appellant's hearing request.

[REDACTED]
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IT IS THEREFORE ORDERED that:

The Appellant's hearing request is DISMISSED.



Janice Spodarek
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Community Health

JS/ [REDACTED]

cc: [REDACTED]

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

***** NOTICE *****

The Michigan Administrative Hearing System may order a rehearing on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. The Michigan Administrative Hearing System will not order a rehearing on the Department's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original request. The Appellant 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 of the rehearing decision.