

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-004753
Issue No.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: May 07, 2015
County: Oakland (3) Southfield

ADMINISTRATIVE LAW JUDGE: Colleen Lack

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 to 99.33, and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 7, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant, and [REDACTED], Authorized Hearing Representative, Oakland County Welfare Rights. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist (ES) and Hearing Facilitator (HF).

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2015), p. 2. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action.

As discussed during the hearing proceedings, there was no jurisdiction to hear the issues raised by Claimant in this appeal based on the date the Hearing Request was filed, March 19, 2015. The contested issues that were raised were occurred either after

the date the hearing request was filed or more than 90 days prior to the date the hearing request was filed.

For example, the Food Assistance Program (FAP) application was filed on March 9, 2015, and was not denied until March 20, 2015. Thus, the March 20, 2015, denial of this FAP application was too recent to be considered for the March 19, 2015, hearing request and the Department had not failed to act upon that application with reasonable promptness. Similarly, there is no jurisdiction to review any Medicaid determination(s) from any written case action notices issued after March 19, 2015. Further, the ES/HF credibly testified that the Department issued Claimant a written notice of the determination that she would have a Medicaid Spend Down (deductible) on September 30, 2014, specifically a Healthcare Coverage Determination Notice. Accordingly, the March 19, 2015, hearing request was not filed within 90 days of the September 30, 2014, Medicaid case action notice. It was uncontested the copies of medical bills were not submitted to the Department until after the March 19, 2015, hearing request was filed. Therefore, there had been no case actions or failure to act with reasonable promptness regarding applying the medical bills to Claimant's Medicaid deductible at the time the March 19, 2015, hearing request was filed.

It is also noted that at times during the hearing proceedings Claimant's testimony was inconsistent, for example when discussing what months the Medicare premiums were taken out of her Social Security benefits, and therefore it cannot be found fully credible.

As discussed during the hearing proceedings, Claimant may wish to file timely hearing request(s) to contest case actions that have occurred since March 19, 2015, which could not be heard as part of this appeal, or if the Department fails to act upon a claim for assistance with reasonable promptness.

There was insufficient credible evidence to establish any case actions occurring within the 90 days prior to the March 19, 2015, hearing request, or any failure to act upon a claim of assistance with reasonable promptness. Claimant's hearing request is therefore **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/8/2015**

Date Mailed: **5/8/2015**

CL / jaf

NOTICE: The law provides that within 30 days of receipt of this Order, Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. Under Mich Admin Code, R 792.10137, a copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

cc:

