

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-006130
Issue No.: 2000
Agency Case No.: [REDACTED]
Hearing Date: June 09, 2015
County: Genesee (6) Clio Rd

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. After due notice, an in-person hearing was held on June 9, 2015, from Flint, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant; [REDACTED] friend; and [REDACTED], [REDACTED] Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Hearing Facilitator.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Mich Admin Code, R 400.904(1). Moreover, the Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (July 1, 2013), p. 5, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, the Department sent a Notice of Case Action advising of its decision to deny Claimant's application for Medical Assistance (MA) benefits on January 2, 2014.

Claimant's April 9, 2015, hearing request was not timely filed within ninety days of the January 2, 2014, Notice of Case Action. Accordingly, there is no jurisdiction to review the January 2, 2014, determination.

There was also insufficient evidence to establish that the Department had failed to act upon a claim for assistance with reasonable promptness at the time the April 9, 2015, hearing request was filed. The hearing request was the first time that it was reported to Department that Claimant had been found disabled by the Social Security Administration (SSA) and that she was requesting retroactive MA benefits based on the SSA determination. Accordingly, the Department had not had any opportunity to act on this request for MA benefits when the hearing request was filed.

The Department is treating the hearing request as a request for retroactive MA benefits based on a SSA determination and will issue a written determination notice. Claimant may file a timely hearing request at that point if she contests the determination. If needed, Claimant may also file a hearing request if the Department fails to act on the April 9, 2015, request for MA benefits with reasonable promptness.

Claimant's April 9, 2015, hearing request was not filed within 90 days of the January 2, 2014, Notice of Case action. Further, the Department had not yet had an opportunity to act on the newly provided information and claim for MA benefits when the April 9, 2015 hearing request was filed. Therefore, Claimant's hearing request is **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 Mailed: **7/2/2015**

CL/jaf

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

CC:

