

**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.: 15-023816
Issue No.: 2000
Agency Case No.: [REDACTED]
Hearing Date: February 08, 2016
County: WAYNE-DISTRICT 49
(GRAND RIVER/WAR)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

Following Petitioner'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 three-way telephone hearing was held on February 8, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED], the Petitioner's Authorized Hearing Representative. The Petitioner, [REDACTED], also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor; and [REDACTED] Assistance Payments Worker.

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.

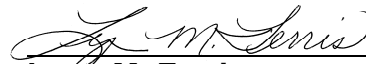
A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), p. 2. Moreover, BAM 600, p. 6 provides that **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.**

In the present case, the Department sent Petitioner a Notice of Case Action advising Petitioner of its decision to reduce Petitioner's benefits for the Food Assistance Program (FAP).

The Department's Notice of Case Action (Health Care Coverage Determination Notice) to Petitioner was dated December 19, 2014. However, Petitioner did not file a request for hearing to contest the Department's action until November 4, 2015. The Hearing Request is clearly untimely and, therefore, must be dismissed. However, it is noted that the Department conceded that it incorrectly closed the Petitioner's case and voluntarily agreed that it would process a redetermination and determine eligibility of the Petitioner as regards Medicare Savings Program from January 1, 2015, (date of closure) through September 2015.

Petitioner's hearing request was not timely filed within 90 days of the Notice of Case Action and is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **2/8/2016**

LMF/jaf

NOTICE: The law provides that within 30 days of receipt of this Order, Petitioner 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:

