



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 18, 2016
MAHS Docket No.: 16-010904
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Steven Kibit

DECISION AND ORDER

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

With due notice, a telephone hearing was held on October 5, 2016. Petitioner appeared and testified on her own behalf. [REDACTED] Appeals Review Officer, represented the Respondent Department of Health and Human Services. [REDACTED], Adult Services Specialist, and [REDACTED], Adult Services Supervisor, were also present for the Department.

At the onset of the hearing, the undersigned Administrative Law Judge raised questions regarding what the issue on appeal was and whether he had jurisdiction over it. Petitioner then testified that her home is in jeopardy, she is having problems with a stalker, and that her doctors are depriving her of necessary medications. Petitioner also testified that there was no negative action taken by the Department and that her Home Help Services are not at issue, though a worker from the Department did inappropriately bang on Petitioner's door.

With the issue having been clarified, the undersigned Administrative Law Judge then found that he lacked jurisdiction in this matter and that it must be dismissed.

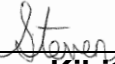
The Code of Federal Regulations (CFR) affords a Medicaid beneficiary a right to a fair hearing when Respondent takes an action that is a denial, reduction, suspension, or termination of a requested or previously authorized Medicaid covered service. See 42 CFR 431.220 and 42 CFR 438.400. However, Respondent has taken no action here that is a denial, reduction, suspension, or termination of a requested or previously authorized Medicaid covered service and Petitioner raises no issue with the Department. Instead, Petitioner only testified regarding issues with a stalker and her medical doctors, and the undersigned Administrative Law Judge does not have authority to address those claims in this case.

Whatever relief may be available for Petitioner elsewhere, Petitioner does not dispute any action taken by the Respondent Department and there has been no negative action in this case that would give rise to the right to a Medicaid Fair Hearing. Accordingly, the undersigned Administrative Law Judge lacks jurisdiction and the matter must be dismissed.

IT IS HEREBY ORDERED:

- The above-titled matter is **DISMISSED**.

SK/tm



Steven Kibit
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30763
Lansing, Michigan 48909-8139

DHHS Department Rep.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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