



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 4, 2016
MAHS Docket No.: 16-011561
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

ORDER OF DISMISSAL

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 telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was represented by her Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

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.

In the present case, Petitioner is an ongoing recipient of Medical Assistance (MA) – Group 2 Spend-Down (G2S) benefits, subject to a monthly deductible. Exhibit A, p. 25. The AHR argued that the MA coverage provided by the Department was inadequate. Instead, the AHR claimed that Petitioner is currently receiving disabled adult children's (also called Childhood Disability Beneficiaries' or CDBs') Retirement, Survivors, and Disability Insurance (RSDI) benefits; and therefore, Petitioner should be eligible for MA – DAC coverage, which is a more beneficial MA category than what she is currently receiving. See BEM 158 (October 2014), pp. 1-4. As such, on or about [REDACTED], Petitioner's AHR requested that the Department determine if Petitioner is eligible for MA-DAC coverage as well as requested a hearing (See Reg. No. 16-002322).

On or about [REDACTED], Petitioner's AHR signed a Hearing Request Withdrawal (DHS-18A) because she provided the Department with more information from the Social Security Administration and knew that the Department needed time to review Petitioner's MA-DAC eligibility. Exhibit A, pp. 4 and 6.


On [REDACTED], Petitioner's AHR requested the present hearing claiming that since the withdrawal of the hearing, the Department never moved forward to check Petitioner's MA-DAC eligibility. Exhibit A, p. 4. Therefore, the issue confronted before the undersigned Administrative Law Judge (ALJ), was whether the Department failed to process Petitioner's request for MA-DAC eligibility.

Shortly after commencement of hearing, it was discovered that the Department did process Petitioner's potential eligibility for DAC coverage subsequent to the hearing request. On [REDACTED], the Department's central office issued a Memo indicating that Petitioner is "(N)ot eligible for MA as a DAC because: Supplemental Security Income (SSI) eligibility ended due to a change in living arrangement, NOT as a result of any start or increase of DAC RSDI benefits." Exhibit A, p. 14.

Based on the foregoing information and evidence, Petitioner's MA-DAC hearing request issue has been resolved. As stated above, the only issue that the undersigned ALJ could address for this hearing was whether the Department failed to process Petitioner's request for MA-DAC eligibility. Even though it appears the Department did not process the request timely, the Department ultimately processed the request and determined she was not eligible for MA-DAC coverage. Exhibit A, p. 14. As such, Petitioner's issue has been resolved because the Department complied with her hearing request. There is nothing further the undersigned ALJ can address for this hearing. The undersigned ALJ lacks the jurisdiction to address the denial of DAC coverage because this occurred subsequent to the hearing request. Petitioner and/or the AHR can request another hearing to dispute the denial of DAC coverage. See BAM 600 (October 2015), pp. 1-6. Because Petitioner's MA-DAC issue is now moot, her hearing request (dated [REDACTED] [REDACTED]) is **DISMISSED**. See BAM 600, pp. 1-6.

IT IS SO ORDERED.

EJF/jaf



Eric J. Feldman
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.

DHHS

[REDACTED]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Via email

[REDACTED]