



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

████████████████████  
████████████████████  
████████████████████

Date Mailed: January 31, 2018  
MAHS Docket No.: 17-015457  
Agency No.: ██████████  
Petitioner: ██████████

**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 4-way telephone hearing was held on January 31, 2018, from Detroit, Michigan. The Petitioner was represented by her attorney ██████████. The Petitioner also appeared at the hearing. The Department of Health and Human Services (Department) was represented by ██████████, Assistant Attorney General. ██████████, FIM and ██████████, Eligibility Specialist also appeared.

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 this matter the Petitioner requested a hearing on November 20, 2017 regarding the closure of her Medical Assistance claiming that she had met her medical deductible for the last three months and that her case should not be closed. At the hearing, the Department established that the Petitioner was eligible for medical assistance ongoing with a deductible. The Petitioner's hearing request did not request a review of whether the deductible as determined by the Department was correct, but only addressed

whether closure had occurred. At the hearing in response to the Petitioner's hearing request, the Department provided a MA EDG Summary indicating ongoing MA for Petitioner with a deductible. Based upon this evidence it is determined that the Petitioner's MA was not closed by the Department and thus there was no issue for the undersigned to resolve at hearing. Should Petitioner wish to have a hearing regarding whether the MA deductible is correct, she may request a hearing regarding that issue. Because the evidence demonstrated that the Petitioner's MA was ongoing, and was not closed at the time of the hearing as the Petitioner had active MA, there was no further issue that required resolution as the request for hearing had been resolved.

Petitioner's hearing request dated [REDACTED] regarding closure of her medical assistance for failure to meet her deductible for [REDACTED] was resolved at the time of the hearing held on [REDACTED] and therefore no issue remained to be resolved by the undersigned as the issue was moot, and is, therefore, **DISMISSED** for lack of jurisdiction.

**IT IS SO ORDERED.**

LF/cg



---

**Lynn M. Ferris**  
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 30639  
Lansing, Michigan 48909-8139

**Counsel for Petitioner  
Via – First-Class Mail:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**DHHS – Via Email:**

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

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]