



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 27, 2018
MAHS Docket No.: 18-004352
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

**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 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 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 June 28, 2018, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor Sara Terreros and Eligibility Specialist Mary Acker. Ms. Terreros and Ms. Acker testified on behalf of the Department. The Department submitted 42 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

As an initial matter, Petitioner requested this hearing because she had put her child on her personal insurance, and then discovered that her child was still on Medicaid with a spend down. On learning her child was on a spend down, Petitioner wanted a refund of the monies she was paying for personal insurance on her child because she did not know her child was still on a spend down.

On December 8, 2016, the Department mailed Petitioner a Health Care Coverage Determination Notice informing her that her child was on a monthly deductible of \$1,948.00 effective January 1, 2017, ongoing. [Dept. Exh. 14-18]

On November 13, 2017, Petitioner called the Department with questions concerning Medicaid payments to Child Support. Petitioner was informed that she and her daughter were on an active Medicaid deductible case.

On February 23, 2018, Petitioner requested a hearing. At the hearing, Petitioner stated that had she known she and her child were still active on Medicaid, she would not have insured her daughter through private health insurance. Petitioner did not indicate that she had not received the Health Care Coverage Determination Notice dated December 8, 2016. According to the Notice, Petitioner had until March 8, 2017, to file a hearing request.

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 (10/1/2015), 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 Health Care Coverage Determination Notice advising Petitioner of its decision to change Petitioner's Medicaid to a spend down/deductible case, dated December 8, 2016. However, Petitioner did not file a request for hearing to contest the Department's action until February 23, 2018.

Petitioner's hearing request was not timely filed within ninety days of the Health Care Coverage Determination Notice and is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

VLA/hb



Vicki Armstrong

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) 763-0155; 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

DHHS

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]