



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

Date Mailed: May 8, 2019
MOAHR Docket No.: 19-001178
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

A hearing was requested to dispute the closure by the Department of Health and Human Services (Department) of Petitioner [REDACTED] Medicaid (MA) case. A prehearing conference was held on Monday, May 6, 2019 to address the issues of the timeliness of the hearing request and jurisdictional matters. The Department was represented by [REDACTED], assistant attorney general (AAG). [REDACTED] Family Independence Manager, and [REDACTED], Eligibility Specialist, appeared as witnesses on the Department's behalf. Petitioner was represented by attorney [REDACTED]

The Michigan Office of Administrative Hearings and Rules (MOAHR) conducts hearings to address the Department's

- denial of an application and/or supplemental payments.
- reduction in the amount of program benefits or service.
- suspension or termination of program benefits or service.
- restrictions under which benefits or services are provided.
- delay of any action beyond standards of promptness.
- for Food Assistance Program and Child Development and Care, the current level of benefits or denial of expedited service.

Department's Bridges Administrative Manual (BAM) 600 (October 2018), p. 5; see also Mich Admin Code, R 792.11002. If the client's authorized hearing representative or attorney disputes a Department action, a hearing must be requested within 90 days from the date the Department sent written notice of the disputed case action.

Here, a hearing was requested to dispute the Department's closure of Petitioner's MA case due to the value of countable assets exceeding the limit. At the prehearing conference, the Department did not dispute that the hearing was timely requested by a properly authorized hearing representative. The Eligibility Specialist testified that, after

the Department received Petitioner's hearing request, it re-evaluated the trust that had resulted in the closure of Petitioner's case, determined that the trust was not a countable asset, and reinstated Petitioner's MA case effective December 1, 2018. Petitioner's counsel confirmed that Petitioner's case had been reinstated and that her MA case was active. Although Petitioner's counsel also disputed the Department's conclusion that Petitioner was not eligible for Disabled Adult Child (DAC) MA, the hearing request disputed the MA case closure, and the issue of DAC eligibility was not properly presented for hearing. Because the Department resolved the issue for which Petitioner requested a hearing, there is no basis for a hearing. Accordingly, Petitioner's request for hearing is **DISMISSED**.

IT IS SO ORDERED.

AE/tm



Alice C. Elkin
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules.

DHHS

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

Counsel for Respondent

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

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

Counsel for Petitioner

[REDACTED]
[REDACTED]
[REDACTED]