



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 14, 2019
MAHS Docket No.: 19-000762
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

ORDER DENYING REQUEST TO VACATE DISMISSAL

Petitioner [REDACTED] requested hearing to dispute the actions taken by the Department of Health and Human Services (Department) on his Medicaid case. Petitioner requested that the Administrative Law Judge (ALJ) appear in person for the hearing. The Michigan Administrative Hearing System (MAHS) scheduled an in-person hearing on March 6, 2019 at 2:30 p.m. On March 6, 2019, the assigned ALJ went to the Department's Grandmont office. The ALJ waited until 3:00 p.m., but Petitioner did not appear for the hearing. MAHS did not receive a fax or phone call from Petitioner prior to 3:00 p.m. advising that he was not able to appear for the in-person hearing. On March 8, 2019, an Order of Dismissal was issued, dismissing Petitioner's hearing request due to his failure to appear for the scheduled hearing.

On March 7, 2019, MAHS received a faxed letter from Petitioner acknowledging that he had a hearing on March 6, 2019 at 2:30 but explaining that he suffered from seizures and was not feeling well. Because the fax was received after the hearing date and an Order of Dismissal was issued in this matter, his request was reviewed by the undersigned supervising ALJ as a request to vacate the Order of Dismissal.

With his request, Petitioner submitted documentation dated March 19, 2018 from his neurologist showing a history of seizures. Petitioner did not include any documentation showing that he visited the doctor or emergency room on March 6, 2019 making him unavailable for the hearing. Petitioner did not explain why he did not contact MAHS to report that he would not be able to attend the hearing because of illness prior to the scheduled hearing date and time and before the ALJ traveled to the local office. Accordingly, it is found that Petitioner has failed to present good cause to support his request to vacate the order of dismissal.

NOW, THEREFORE, IT IS ORDERED that the request to vacate the Order of Dismissal is **DENIED**.



AE/tm

Alice C. Elkin
Supervising 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 Administrative Hearing System.

DHHS

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

Petitioner

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