



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 14, 2023
MOAHR Docket No.: 23-006786
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 9, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Tamara Jackson.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396 through 42 USC 1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

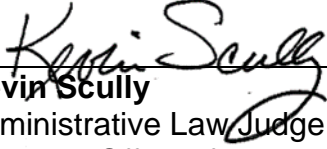
On September [REDACTED] 2023, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) as of October 1, 2023. Petitioner receives MA benefits based on disability and her status with the Social Security Administration (SSA) as a Supplemental Security Income (SSI) recipient. The Department concedes that Petitioner’s MA benefits were closed in error, and on October [REDACTED] 2023, the Department notified Petitioner that her MA benefits had not been closed, and that she was eligible for MA benefits effective October 1, 2023, as well as since May 1, 2023.

Despite the fact that Petitioner did receive a closure notice, the hearing record supports a finding that Petitioner’s Medical Assistance (MA) have not been closed by the Department. In the absence of evidence that Petitioner has been denied MA benefits, there is no issue for Michigan Office of Administrative Hearings and Rules (MOAHR) to issue a decision.

Petitioner's hearing request is therefore **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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 (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
Rolando Gomez
Tuscola County DHHS
MDHHS-Tuscola-
Hearings@michigan.gov

SchaferM

EQADhearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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