

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-29021
Issue No: 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 21, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37; upon claimant's request for a hearing filed on July 25, 2008. After due notice, a hearing was held October 21, 2009.

The claimant is requesting an administrative hearing on the issue of the department's termination of the claimant's mother's Child Development and Care provider status due to a criminal conviction. However, department policy prohibits an administrative hearing on this issue. BEM 704 indicates that neither child care providers nor CDC recipients are entitled to DHS administrative hearings based on a provider/applicant termination or denial. This policy sets out an administrative review process that is intended for any person disagreeing with a department determination on this subject. The claimant and the department were advised of this policy section and advised to follow the administrative review process contained in BEM 704.

Therefore, this Administrative Law Judge does not have jurisdiction to hear this issue. The claimant/department will follow the internal review process.

Claimant's hearing request is HEREBY DISMISSED, as this Administrative Law Judge does not have jurisdiction to hear the issue.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 4, 2009

Date Mailed: November 5, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SLK 

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