

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: 2009-12044

Issue No: 3000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 17, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 January 5, 2009. After due notice, a hearing was held on March 17, 2009.

Claimant wrote in his hearing request that the department would not give him any food stamps and cancelled his case. Department's hearing summary stated that no action has been taken against claimant's case, and that he currently has a pending State Disability Assistance (SDA) and Medicaid (MA-P) application.

After discussing claimant's case with the claimant and department's representatives, including the caseworker that currently has claimant's case, it was established that claimant is indeed receiving Food Assistance Program (FAP) benefits. Claimant is objecting to a FAP denial of April, 2008.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

Claimant's FAP denial took place in April, 2008. Claimant did not request the hearing until January 5, 2009, and his hearing request is therefore untimely.

Claimant testified that he has filed "several" hearing requests since April, 2008. The Administrative Law Judge explained to the claimant that she only has his January 5, 2009, request in the file, and therefore must base her decisions on that request.

It was also explained to the claimant that he must wait for department's decision on his SDA and MA application, and if denied, he may request a hearing upon receipt of such denial notice. Claimant indicates he understand this.

As the claimant's hearing request pertaining to the denial of his FAP application in April, 2008 is untimely, it is HEREBY DISMISSED. SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 17, 2009

Date Mailed: March 20, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

IR [REDACTED]

cc: [REDACTED]