

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: 2009-16421

Issue No: 1000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 23, 2009

Wayne 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 March 6, 2009. After due notice, a hearing was held scheduled for April 23, 2009.

The department terminated the claimant's Family Independence Program (FIP) benefits on September 9, 2008. The claimant's hearing request is dated March 6, 2009, more than ninety days after the notice of the negative action. While the claimant indicated that she had turned in a hearing request on September 30, 2008, by placing it in the drop box in the local DHS office, there was no persuasive evidence to indicate this is true. The claimant testified that she had signed in at the front desk when she dropped the hearing request at the office on September 30, 2008. However, the department representative retrieved the sign-in book and the claimant was not signed in for that date. The department representative checked September 29 and October 1, 2008 and also did not locate the claimant's name. Thus, there is no evidence that the claimant did submit a hearing request prior to March 6, 2009.

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.

Therefore, it is not necessary for this Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.902; 400.903 and 400.904, the claimant's hearing request is HEREBY DISMISSED, as the claimant's request was not submitted timely.

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

Date Signed: April 28, 2009

Date Mailed: April 29, 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 [REDACTED]

cc: [REDACTED]