

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: 2009-1652

Issue No: 6000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing.

On June 24, 2008, the Department mailed Claimant a Child Development and Care (CDC) Client Notice informing her that she was eligible for Child Development and Care Services based on her May 30, 2008 application which was received and registered by the Department on June 5, 2008. On September 30, 2008, Claimant filed a hearing request requesting that her day care be authorized from April 9, 2008 forward based on an earlier application that the Department never received. Unfortunately, Claimant's hearing request was filed 98 days after the Department's eligibility notice was mailed to Claimant. A hearing request must be filed within 90 days of the mailing of the notice of negative action; a hearing request filed outside the 90 days cannot be heard for lack of jurisdiction.

Accordingly, Claimant's hearing request is HEREBY DISMISSED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 24, 2009

Date Mailed: June 25, 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 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.

SMB/db

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