

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: 2009-21849

Issue No: 6000

Case No:

[REDACTED]

Load No:

Hearing Date:

May 28, 2009

Eaton 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 April 9, 2009 request for a hearing.

Claimant's Child Development and Care (CDC) case closed on December 2, 2008. Claimant re-applied for CDC benefits on February 6, 2009. On March 6, 2009, Claimant received notice from the Department that his application for CDC benefits was approved effective February 1, 2009. On April 9, 2009, Claimant requested a hearing for – child care assistance back to November 2008.

Claimant stated that the relief he was seeking was reimbursement for CDC benefits from December 8, 2008 through January 26, 2009, the period of time his case was closed. The undersigned questioned whether he had jurisdiction to hear this matter given that Claimant's untimely hearing request which was received by the Department 140 days after the November 20, 2008 negative action notice. Claimant stated that he filed an earlier hearing request and then filed a withdrawal and reapplied for benefits with

the belief that he would be reimbursed for the time after his case was closed until it re-opened. The Department stated that Claimant signed a withdrawal and reapplied for benefits, but could not locate the withdrawal and did not recall the conversation regarding reimbursement of benefits. The hearing was adjourned for the Department, Claimant or the undersigned to locate a copy of the hearing request withdrawal and/or to reschedule the matter for decision on the withdrawal issue and/or a hearing on the underlying issue.

The undersigned has now received a copy of the Hearing Request Withdrawal from State Office of Administrative Hearings and Rules (SOAHR) staff. The Program in Dispute is listed as daycare, the hearing request date is 1/23/09, the date signed by Claimant was 1/30/09 and the date received by the Department was 2/5/09. The Hearing Request Withdrawal states in pertinent part – “I DO NOT WANT A HEARING. Please cancel my request for a hearing for the following reason: I now understand that the action taken by DHS was correct.” There is no other language about reimbursement of benefits.

Accordingly, given that Claimant withdrew his January 23, 2009 hearing request on the same issue without any future action required by the Department, his April 6, 2009 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 3, 2009

Date Mailed: June 4, 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

cc:

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