

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: 2009-25017  
Issue No: 2000  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 10, 2010  
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

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. After due notice, a telephone hearing was held on February 10, 2010. Claimant personally appeared and testified. He was assisted by [REDACTED], a long time friend.

ISSUE

Has jurisdiction to proceed on the merits of this case been established?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On April 9, 2009, claimant applied for disability-based cash assistance (SDA).
- (2) The department promptly denied that application; consequently, on April 28, 2009, the department received a hearing request disputing the denial.

(3) On October 29, 2009, a full, formal in-person hearing was held in the [REDACTED] Department of Human Services Office with [REDACTED] presiding (Register Number: [REDACTED])(Department Exhibit #1).

(4) Subsequently, the State Office of Administrative Hearings and Rules (SOAHR) erroneously sent another Notice of Hearing to the parties-of-record, scheduling a telephone hearing on February 10, 2010, to address the identical grievance.

(5) On February 10, 2010, both parties stipulated the disputed application denial was still pending before [REDACTED], as a Hearing Decision had not yet been rendered.

#### CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

On February 10, 2010, the parties-of-record participated in a telephone conference hearing before the undersigned Administrative Law Judge. Both parties stipulated a full, formal in-person was held on the same issue on October 29, 2009, and also, they stipulated no formal written Hearing Decision had been issued as of the second, telephone hearing date (2/10/10).

Quite simply, jurisdiction must be established before an Administrative Law Judge can proceed on the substantive merits of any case. From a practical standpoint, this means two Administrative Law Judges cannot preside over the identical issue. The sworn testimony of record establishes claimant's grievance is currently pending before a different Administrative Law Judge, and has been pending since October 29, 2009. As such, the undersigned is precluded

from conducting a repeat hearing, and thus, she must dismiss this case based on lack of subject matter jurisdiction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides jurisdiction to proceed on the merits of this case has not been established.

Accordingly, the status quo must remain intact pending issuance of [REDACTED] Hearing Decision. This case is Dismissed with prejudice.

**SO ORDERED.**

/s/  
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Marlene B. Magyar  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: February 11, 2010

Date Mailed: February 11, 2010

**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.

MBM/db

cc: [REDACTED]