

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: 2009-28592
Issue No: 3000; 4000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 6, 2009
St. Clair 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 June 30, 2009. After due notice, a hearing was held on August 6, 2009.

Claimant requested this hearing after the department discovered he was receiving UCB and took action to reduce his Food Assistance Program (FAP) benefits and terminate his State Disability Assistance (SDA) benefits effective July 7, 2009. Claimant requested this hearing on June 30, 2009, and department deleted pending negative actions. Claimant continues to receive the same amount of FAP and SDA benefits without any interruption, reduction or termination, and July, 2009 information in department's possession shows that he has zero weeks of UCB left. While the department may address any past overissuances due to claimant's alleged failure to report UCB receipt, there is no negative action on his FAP or SDA benefits at the present time.

Department's administrative rules specify that an opportunity for a hearing shall be granted to an applicant who requests a hearing because their claim for assistance is denied, or to any recipient who is aggrieved by any department action resulting in suspension, reduction, discontinuance, or termination

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of assistance. Michigan Administrative Code Rule 400.903(1). Claimant therefore does not have a right to a hearing at this time, as his FAP and SDA benefits are not being suspended, discontinued, reduced or terminated.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY DISMISSED, because claimant is not aggrieved by a department action.

/s/

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

Date Signed: August 12, 2009

Date Mailed: August 13, 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.

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