

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 200935332
Issue No.: 5000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 4, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the Claimants request for a hearing. After due notice, a telephone hearing was scheduled for August 4, 2010. The claimant personally testified from a third party phone.

Prior to the beginning of the hearing the claimant complained because the hearing was beginning at approximately 3:46 pm while it had been scheduled to begin at 3:30 pm.

This ALJ acknowledged that the hearing was in fact beginning approximately 16 minutes late after the scheduled time and asked the claimant if he was ready to proceed. The claimant did not answer the question but continued to complain about the hearing beginning late. This ALJ asked the claimant numerous times if he was ready or if he wanted to proceed with the hearing.

The claimant refused to answer the question as to whether he wished to proceed with the hearing and this ALJ warned the claimant that he would have to dismiss the hearing without the claimant's positive response to this question.

It should be noted that the claimant was previously denied a request to adjourn and reschedule his hearing because he failed to state a valid reason for such an adjournment.

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Therefore this ALJ finds that it was not possible to hold the claimant's hearing and that hearing is HEREBY DISMISSED, because the claimant is not willing to respond to the basic question of whether he is prepared to go forward with his hearing.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/9/2010

Date Mailed: 8/9/2010

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 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.

MJB/jlg

cc:

