

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: 2009-13389
Issue No: 1032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 9, 2009
Iosco County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 January 13, 2009. After due notice, a hearing was held on April 9, 2009.

Prior to the closure of the hearing record, the claimant no longer disagreed with the correctness of the negative case action (on December 30, 2008, the claimant applied for FIP and was denied on January 13, 2009, based on ineligible caretaker status per PEM 210), which was the subject matter of this hearing. The claimant requested a change in DHS policy or an exception to policy requirements so that she could qualify as a primary caretaker for her step-sister's dependent child.

Change in Policy

This Administrative Law Judge is part of the executive branch of government, and not the legislative branch of government, and has no legal authority to change DHS policy requirements.

Exceptions to Policy

Administrative law judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals. Delegation of Hearing Authority, August 9, 2002, per PA 1939, Section 9, Act 280.

Therefore, as a matter of law, this Administrative Law Judge has no legal authority to grant the claimant's requested exception to DHS policy requirements.

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 no longer aggrieved by a department action.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 13, 2009

Date Mailed: July 14, 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.

WAS/cv

cc:

