

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: 2009-17125
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 25, 2009
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on June 25, 2009.

During the hearing the Department asserted the hearing request was untimely. The Application Eligibility Notice (DHS-1150) form is dated November 19, 2008. Program Administrative Manual (PAM) 600 specifically states "the AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days." In this case Claimant's request for hearing was due on, or before, Tuesday, February 17, 2009.

In this case, Claimant's mother is acting as his authorized hearing representative. [REDACTED] testified that: she resides and works in the Washington D.C. area; Claimant sent the notice to her for signature; and she signed the request and mailed it back to the local office. [REDACTED] testified that she does not remember the exact date she mailed the request. The request for hearing is date stamped into the Department Thursday February 19, 2009.

The Department representative testified that normal procedure in the office is for mail room personnel to open, date stamp, and route mail on the day it comes in. In this case, even if some delay occurred and the mail was not opened and date stamped until the day after it arrived, the hearing request would have been one day over the deadline.

The request for hearing was not timely. There is no jurisdiction to hear Claimant's request. Therefore, claimant's hearing request is HEREBY DISMISSED.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 17, 2009

Date Mailed: July 21, 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.

GFH 

cc: 