

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: 2009-33113

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 21, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

ORDER OF DISMISSAL

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 October 21, 2009. Claimant appeared and testified.

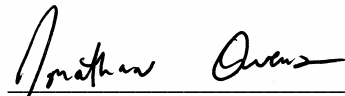
Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, on June 4, 2009, Claimant requested a hearing, regarding an application dated October 6, 2008. Claimant concedes he received the notice of case action. The Department issued a denial on March 3, 2009. The Department fulfilled its obligation by

sending a proper written notice of case action. The Claimant's request for hearing is over 90 days beyond the notice of case action.

The Claimant's hearing request is untimely. Clients have 90 days from the date of the Department's negative action to request an administrative hearing. According to MAC R 400.904(4), a client is given 90 days from the mailing of the proper notice of case action to request a hearing. Claimant failed to request a hearing within 90 days of the mailing of the notice and the Department's actions.

Therefore, Claimant's hearing request must be dismissed. According to the provisions of PAM, Item 600, p.4, the Claimant's request for a hearing is hereby **DISMISSED**



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/03/09

Date Mailed: 11/04/09

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.

2009-33113/JWO

JWO/at

cc:

