

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: 2009-36473
Issue No: 3002/3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 19, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez


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 hearing was scheduled for October 19, 2009.

Prior to the opening of the hearing record, the Administrative Law Judge was advised that there had been no negative action. Claimant was protesting a previous decision by Administrative Law Judge Michael Bennane. Michigan Administrative Code Rule 400.903 provides that a hearing is only appropriate when the Department has denied an application for help; or has not acted upon an application with reasonable promptness, or intends to reduce, cancel, or change the form of help the claimant has been receiving. There has been no negative action by the Department in the current case.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that is in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY

DISMISSED, because the Administrative Law Judge lacks jurisdiction to decide the current case.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/23/09

Date Mailed: 11/23/09

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 60 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.

RJC/dj

cc:

