

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: 2009-8118
Issue No: 1038; 3028
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2009
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 December 10, 2008. After due notice, a hearing was held January 27, 2009.

The claimant had submitted a hearing request to dispute the noncompliance sanction. Claimant indicated in her hearing request that she believed this to be her first instance of noncompliance, not her third as the department indicated. Claimant believed she should only be sanctioned for three months, not for twelve months as the department had indicated.

Prior to the closure of the hearing record, the department and the claimant agreed to treat the noncompliance as the claimant's first instance of noncompliance and only sanction the claimant for three months.

This Administrative Law Judge pointed out that the department had properly arrived at the conclusion that this was the third instance of noncompliance. Claimant's husband is on the grant with the claimant. Both the claimant and her husband had been in noncompliance in September 2008, but both signed the First Instance of Noncompliance, DHS-754 and both were allowed to return to the JET

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program. These were the first two instances of noncompliance. Thus, although the claimant was on the third instance of noncompliance, the department agreed to treat it as the first instance and only sanction the claimant for three months. Both the claimant and her husband indicated they were satisfied with that outcome.

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/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 2, 2009

Date Mailed: February 3, 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.

SLK/om

cc:

