

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No: 2010-33292
Issue No: 3000
Case No: ██████████
Load No: ██████████
Hearing Date:
June 1, 2010
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 1, 2010. The Claimant appeared and testified. ██████████ and ██████████. ██████████ appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Food Assistance supplement?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) The Department determined an FAP supplement for the period of August 2007 through December 2008 and issued a supplement on March 5, 2009.
- (2) Claimant requested a hearing on April 29, 2010 contesting the determination of FAP supplement.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

In the present case, Claimant requested hearing on April 29, 2010 regarding an issue that the Department decided on March 5, 2009. Claimant's request for hearing was filed 410 days after the Department's determination.

Claimant's request for hearing was not timely because it was more than 90 days from the action taken by the Department. Therefore this hearing must be DISMISSED pursuant to MAC R 400.903(1). BAM 600.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/23/2010

Date Mailed: 06/23/2010

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.

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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.

AM/cjp

cc:

