

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: 2010-28034
Issue No: 3008; 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 10, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Susanne. E. Harris

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge (ALJ) by authority of MCL 400.9; and MCL 400.37; upon the claimant's request for a hearing filed on February 23, 2010. After due notice, a telephone hearing was held on May 10, 2010. The claimant personally appeared and testified.

Prior to the closure of the hearing record, the department's worker testified that the Claimant's hearing request was not received within 90 days of the negative action date. The claimant testified that he did not know why that was, as he mailed the hearing request on February 10, 2010, though the hearing request is date stamped as being received on February 23, 2010. The claimant also testified that he did not receive the DHS 3503 Verification Checklist that was sent to him in June of 2009, though he did receive the denial letter and the hearing request, and all documents were mailed to the same address, which the Claimant reports is still his address.

The department's testimony in this case is found to be credible and persuasive, as it is logical and consistent with the documentation in the record. As such, I find that the Claimant did not request his hearing within the required 90 days of the negative action date. This ALJ therefore has no jurisdiction to hear this case and 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, the claimant's hearing request is HEREBY DISMISSED.

/s/ _____
Susanne E. Harris
Administrative Law Judge
for Ahmed Ishmael, Director
Department of Human Services

Date Signed: July 15, 2010

Date Mailed: July 15, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing. Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

SEH/tg

cc:

