

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.: 2010-19010
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 29, 2010
Wayne County DHS (82)

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 hearing was held on March 29, 2010. Claimant's representative appeared and testified.

Under Program Administrative Manual Item 600, claimants have the right to contest any Department of Human Services' (DHS or Department) 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. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the claimant's concerns start when the Department receives a hearing request and continues through the day of the hearing.

In the present case, on February 2, 2010, Claimant requested a hearing to protest the denial of her MA application dated September 23, 2009. Claimant was sent a notice of the application denial on October 24, 2009. No additional notice would be required by policy. The

Department fulfilled its obligation by sending a proper written notice of case action. Claimant was, in fact, given proper notice.

Claimant's hearing request protesting her MA application denial is untimely. Claimants 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 claimant 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.

Therefore, Claimant's hearing request must be dismissed. According to the provisions of PAM, Item 600, p.4, 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: May 17, 2010

Date Mailed: May 17, 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.

2010-19010/JWO

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.

JWO/pf

cc:

