

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: 2010-28047
Issue No: 4060
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 3, 2010
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on August 3, 2010. Claimant personally appeared and testified.

Claimant was a recipient of State Disability Assistance (SDA). Claimant's SDA case was reviewed and she was determined to no longer qualify for SDA by department's Medical Review Team in July, 2009. Department processed SDA closure untimely, resulting in an SDA overissuance to the claimant in the amount of \$269, due to department error. Department then took action to collect the overissuance and claimant requested a hearing.

A hearing was held by this same Administrative Law Judge on August 3, 2010 (prior to this hearing) on department's termination of claimant's SDA benefits. The decision on such termination will not be made until some time in the future. The claimant is contesting department's determination that she was no longer eligible for SDA, and she may prevail or not prevail on this appeal. If the claimant prevails, department will be ordered to issue her SDA

benefits retroactively to the date of SDA closure, and no overissuance would have occurred.

Until a decision is rendered on claimant's SDA termination appeal, whether an overissuance occurred when the SDA was terminated cannot be determined. If the claimant does not prevail on her SDA termination appeal, department may take collection action at that time.

Hearing request is hereby DISMISSED without prejudice. SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 4, 2010

Date Mailed: August 5, 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.

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.

IR/tg

cc:

