

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201191

Issue No: 4060



ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held December 14, 2010.

The first issue for resolution at the hearing was if the request for hearing was within the required 90 day time limit. On September 8, 2010 Claimant requested a hearing on the "overissue of food stamps for Jan 2010." During the hearing it was established that the initial notice of over-issuance was dated December 22, 2009. There is no jurisdiction for an Administrative Law Judge to review the over-issuance noticed on December 22, 2009 because a written request for hearing was not received within 90 days of the written notice.

Therefore, an Administrative Law Judge cannot decide the matter Claimant disputes. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY DISMISSED.

_____/s/_____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 2/25/11

Date Mailed: 2/25/11

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.

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