

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 201123748
No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 4, 2011
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

ORDER OF DISMISSAL

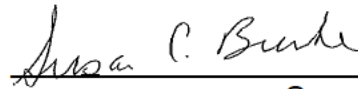
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37, and upon Claimant's request for a hearing. After due notice, a telephone hearing was held on April 4, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED]

BAM 600, p. 4, instructs:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

In the present case, Claimant filed a Request for Hearing on March 8, 2011, for negative action taken on May 3, 2010, in which the Department issued Claimant a Notice of Overissuance regarding Claimant's Food Assistance Program (FAP) case. Claimant states that she received the Notice of May 3, 2010, and contacted the Department. Claimant stated that the Department worker explained that the Overissuance was Agency error, and Claimant did not pursue the matter further at that time. Claimant says she received another notice a couple of months later, and she does not deny that she received a lesser amount in food assistance benefits following the May 3, 2010 notice. However, it was not until Claimant's FAP case closed and Claimant received a Notice of Balance Due, dated February 1, 2011, that Claimant objected to the Overissuance determination that was initially made on May 3, 2010.

Since Claimant's request for hearing of March 8, 2010, was past 90 days from the date of negative action of May 3, 2010, it is ORDERED that this matter is DISMISSED, pursuant to BAM 600.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 13, 2011

Date Mailed: April 13, 2011

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 60 days of the filing of the original request.

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.

SCB/ hw

cc:

