

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No:

Issue No:

Hearing Date:

Lansing AH

201124164

6004

April 27, 2011

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

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, an in-person hearing was scheduled on April 27, 2011. The department was represented by [REDACTED] with Adoption Subsidy.

ISSUE

Did respondent fail to appear for the administrative hearing?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On February 28, 2011, the Adoption Subsidy Division issued a negative action notice to the adoptive parents with regards to eligibility. Exhibit B.
2. On March 11, 2011, respondent filed a request for an administrative hearing. Exhibit C.
3. On March 24, 2011, SOAHR issued a notice of hearing to respondent at her last known address. No mail was returned. Respondent failed to appear for the scheduled April 27, 2011 hearing.

CONCLUSIONS OF LAW

The Adoption Subsidy program is established by MCL 400.115, *et seq.*, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies regarding adoption subsidy are found in the

Services Manual (SM). The federal law upon which Michigan law is based is Title IV-E of the Social Security Act, Section 473(c).

In this matter, respondent requested an administrative hearing on March 11, 2011. On March 24, 2011, SOAHR scheduled an in-person administrative hearing in Lansing for April 27, 2011. The Administrative Law Judge and the department's representative appeared at the time and place for the scheduled hearing. Respondent failed to appear. There was no notice returned in this case and procedural jurisdiction is proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that respondent failed to appear for the administrative hearing and without good cause and thus, respondent's hearing request in this matter is Dismissed.

Accordingly, the department's actions are UPHHELD.

/s/
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 12, 2011

Date Mailed: May 12, 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 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.

JGS/db

cc:

