

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20114060

Issue No: 6000

[REDACTED]

[REDACTED]

Hearing Date: January 11, 2011

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. On October 20, 2010, the Department of Human Services (Department) received a hearing request that was not signed by either the Claimant or an Authorized Hearing Representative. On December 1, 2010, the State Office of Administrative Hearings and Rules received a hearing request signed by the Claimant. After due notice, a hearing was held Tuesday, January 11, 2011.

In this case, the Claimant's childcare provider submitted a request on October 20, 2010 for an administrative hearing, protesting the Department's failure to issue Child Development and Care (CDC) benefits. The Department received this request on October 20, 2010. The State Office of Administrative Hearings and Rules (SOAHR) received a hearing request directly from the Claimant on December 1, 2010.

Claimants have 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 this case, the Claimant requested a hearing to protest the Department's termination of CDC payments effective January 21, 2010. The Claimant failed to submit her request for a hearing in a timely manner, and therefore this Administrative Law Judge lacks jurisdiction to hear or decide her grievance.

Therefore, claimant's hearing request is **HEREBY DISMISSED**, because SOAHR for the Department lacks jurisdiction to hear and decide the Claimant's issue.

DECISION AND ORDER

The Claimant's request is **HEREBY DISMISSED**, because SOAHR for the Department lacks jurisdiction to hear and decide the Claimant's issue.

____/s/_____
Kevin Scully
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: __1/20/11_____

Date Mailed: __1/20/11_____

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 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.

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