

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

IN THE MATTER OF:



Reg. No: 2011-44537



Kent County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 filed on July 19, 2011. After due notice, an in-person hearing was held September 7, 2011. Claimant personally appeared and provided testimony.

Claimant requested a hearing on the issue of his not receiving his FAP benefits while awaiting his hearing from his hearing request dated May 17, 2011. At the time this July 19, 2011 hearing request was submitted, no negative action had been taken by the department on Claimant's Food Assistance Program (FAP) benefits. A hearing was held on June 20, 2011, addressing the closure of his FAP program from which he was appealing by submitting the May 17, 2011 hearing request. A decision from that hearing was issued on June 22, 2011. As a result of that decision, Claimant's redress was to file a request for rehearing within 90 days on that decision.

MAC 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC 400.903(1).

At the time of Claimant's July 19, 2011 hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate Claimant's FAP benefits. His previous hearing request dated May 17, 2011 had been addressed at a hearing held on June 20, 2011, and the department had not taken any negative action against Claimant in the interim. Under the administrative rule discussed above, Claimant does not have

a right to a hearing and thus, this Administrative Law Judge has no jurisdiction in this matter.

Claimant's hearing request is HEREBY DISMISSED for lack of jurisdiction.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 9/12/11

Date Mailed: 9/12/11

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.

VLA/ds

■ [REDACTED]