

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201118654
Issue No: 2009;4031
Case No: [REDACTED]
Hearing Date: June 7, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 January 24, 2011. After due notice, a hearing was held on June 7, 2011.

Prior to the closure of the hearing record

Therefore, the Administrative Law Judge did not have jurisdiction to conduct a hearing on the negative action (on September 1, 2010, the claimant applied for MA/SDA, was denied on October 18, 2010, per BEM 260/261, and requested a hearing on January 24, 2011) which was the subject matter of this hearing.

The AHR, or if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. BAM, Item 600, p. 4.

A claimant shall be provided 90 days from the mailing of the notice in R 400.902 to request a hearing. R 400.904(4).

Based on the above undisputed facts and the DHS policy, claimant's hearing request was untimely. Therefore this Administrative Law Judge has no legal authority to conduct a hearing.

THEREFORE, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY DISMISSED, because the claimant is no longer aggrieved by department action.

/s/
William A. Sundquist
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 20, 2011

Date Mailed: June 20, 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.

WAS/ar

cc:

