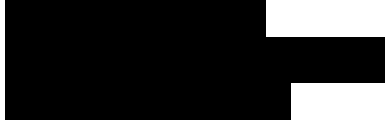


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-3395
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 15, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the Claimants request for a hearing. After due notice, a telephone hearing was scheduled for December 15, 2010. The Claimant was present and testified.

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

Deadlines for Requesting a Hearing

All Programs

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. The request must be received anywhere in DHS within the 90 days. (PAM 600, p. 4)

In the present case, the claimant questions the recoupment of \$418.00 that was over issued to the claimant through agency error. The department notified the claimant of the overissuance on October 28, 2009. The request for a hearing was filed on July 5, 2010, past the ninety days allowed under PAM 600.

20113395/MJB

The Claimant's hearing request, asking for a hearing past the allowed ninety (90) days is hereby , DISMISSED.



Michael J. Bennane
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/12/2011

Date Mailed: 1/12/2011

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.

MJB/jlg

cc:

