

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-38884
Issue No: 1000, 1038

[REDACTED]

Kent County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 June 16, 2010. After due notice, a hearing was held August 9, 2011.

Prior to the closure of the hearing record, it was determined that Claimant's request for hearing was untimely. On January 12, 2011, the Department of Human Services ("department") closed Claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements. Claimant requested a telephone hearing on January 18, 2011. The Michigan Administrative Hearings System (MAHS) scheduled a hearing for May 18, 2011 (Register #201119396) but Claimant failed to appear for her telephone hearing. Claimant alleged that she left a message with the department in an attempt to explain why she was unable to attend her hearing, but that she did not receive a return call. Claimant did not contact MAHS. Because Claimant failed to appear for her hearing, MAHS sent Claimant an Order of Dismissal on May 19, 2011. The instant matter involves Claimant's second request for a hearing regarding the same issue; the department's closure of her FIP dated January 12, 2011. Claimant's instant request for hearing on June 16, 2011 took place more than 90 days after the department mailed the notice of negative action on January 12, 2011.

The regulations regarding the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901 through 400.951. Any hearing request which protests a denial, reduction or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.902; 400.903 and 400.904, claimant's hearing request is HEREBY DISMISSED, because the claimant's hearing request was not submitted timely.

_____/s/_____
C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 8/12/11

Date Mailed: 8/12/11

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 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.

CAP/ds

