

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-45730
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: October 17, 2011
DHS County: Macomb (36)

ADMINISTRATIVE LAW JUDGE: Michael J Bennane

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held from Detroit, Michigan on October 17, 2011. Claimant was represented by her Authorized Representative (AR), [REDACTED]

Under Bridges 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.

In the present case, on February 2, 2011 Claimant received a positive hearing decision from Administrative Law Judge Aaron McClintic, stating, "It is ORDERED that the Department decision to deny Claimant's MA case for failing to return verifications is REVERSED. Claimant's case shall be reinstated and reprocessed going back to the date of application."

Now comes the Department, in an attempt to retry the same issues first decided in the February 2, 2011 decision. There is no reason for this attempted retrying. The facts of the case remain the same and the doctrine of res judicata attaches. There is no new

information or facts for this Administrative Law Judge to consider. Therefore, this case is DISMISSED, and the Department is ORDERED to comply with the original ORDER.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 8, 2011

Date Mailed: November 8, 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 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.

MJB/cl

Cc:

