

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-46663
Issue No: 3015

[REDACTED]
Genesee 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 July 27, 2011. After due notice, a hearing was held on September 1, 2011. Claimant appeared via telephone and provided testimony.

Claimant is requesting a hearing on the issue of her monthly Food Assistance Program (FAP) allotment. During the hearing, the Administrative Law Judge learned that Claimant's monthly FAP allotment had been [REDACTED] since March 1, 2011. On July 1, 2011, the department mailed a Claimant a Semi-Annual Contact Report form (DHS-1046) which was due August 1, 2011. According to Claimant and the department, Claimant continuously received FAP in the amount of \$16.00 from March to the date of the hearing in this matter. Accordingly, there is no evidence that the department took any action that affected Claimant's FAP benefits.

Michigan Administrative Code (Mich Admin Code) 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. Mich Admin Code 400.903(1).

At the time of Claimant's hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate Claimant's FAP benefits. 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.

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

Date Signed: 9/8/11

Date Mailed: 9/8/11

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

■ [REDACTED]