

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]
Ingham

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 6, 2011, in Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager.

The regulations governing 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 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903(1). A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. MAC R 400.904(1).

The Bridges Administrative Manual (BAM) 600, p. 4, provides in relevant part as follows:

The client or authorized hearing representative 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.

In the present case, Claimant requested a hearing concerning the Child Development and Care (CDC) program. In January, 2011, Claimant was active for Food Assistance Program (FAP) benefits but was not active for CDC benefits. During this time period, Claimant sought CDC benefits but had questions for her FAP caseworker about how she may obtain them. Claimant reportedly left several telephone messages with her

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FAP caseworker, but her calls were not returned until late February, 2011. At that point, Claimant submitted a CDC application on February 28, 2011 which was processed and later approved. Claimant requested a hearing seeking CDC retroactive to January, 2011 because she believed had the Department caseworker timely returned her calls; she would have been active for CDC benefits earlier than February, 2011. Essentially, Claimant seeks CDC benefits from January, 2011 to February, 2011 before she submitted the application.

During the time period giving rise to Claimant's hearing request, Claimant did not have a claim for assistance that is "denied or not acted upon with reasonable promptness." In addition, the Department had not taken any action to suspend, reduce, discontinue or terminate Claimant's CDC benefits because she did not have CDC benefits at the time. 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.

Based on the above discussion, it is ORDERED that this Request for Hearing is DISMISSED for lack of jurisdiction.



C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/11/11

Date Mailed: 10/11/11

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NOTICE: Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error , or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
 - the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAP/ds

