

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]
Kent

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

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 September 12, 2011. After due notice, a telephone hearing was held on October 13, 2011. Claimant personally appeared and provided testimony.

Claimant requested a hearing following receipt of Administrative Law Judge [REDACTED] written decision (Registration Number 2008-14581) dated August 25, 2011. Following a hearing held on August 23, 2011, [REDACTED] issued a decision which indicated that: (1) Claimant received an overissuance of Food Assistance Program (FAP) benefits in the amount of [REDACTED] from the time period of September, 2005 through February, 2006 and (2) the Department is entitled to recoup the overissuance. Claimant alleges that she was not provided with an opportunity to attend the hearing because she did not receive a copy of the notice of hearing. Claimant's request for hearing in the instant matter concerned a challenge to the establishment of the overissuance of FAP benefits; which is the same issue that was previously decided by ALJ [REDACTED]. Claimant requested the hearing in the instant matter in an attempt to appeal [REDACTED] decision.

MAC 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. MAC 400.903(1).

At the time of Claimant's September 12, 2011 hearing request, [REDACTED] had already issued a final decision with regard to the overissuance of FAP benefits issued to Claimant. Claimant's present hearing request was previously addressed at a hearing held on August 23, 2011 and Claimant failed to appear for that hearing. 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.

It is SO ORDERED.



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

Date Signed: 10/14/11

Date Mailed: 10/14/11

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 60 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.

CAP/ds

■ [REDACTED]