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

IN THE MATTER OF: Reg. No: 2012-17617

Issue No: <u>3000</u>

Case No:

Hearing Date: February 28, 2012

County: Oakland 02

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 November 28, 2011. Claimant requested a hearing because the Department reduced her Food Assistance Program (FAP) monthly allotment from to to the in 2009. However, since March, 2009, Claimant had received in FAP per month continuously without interruption. After due notice, a hearing was held on February 28, 2012. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included Leticia Moxley (Assistance Payments Supervisor).

Prior to the closure of the hearing record, it was determined that Claimant's request for hearing was untimely. Claimant indicated that her reason for requesting a hearing is because she wanted an explanation as to why the Department reduced her FAP benefits back in 2009. Claimant also indicated that during the period of time in 2009 when her FAP was decreased, she endured serious hardship. There was no indication that Claimant had a dispute with any Department action following February, 2009.

The regulations regarding the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Administrative Code (MAC) R 400.901 -.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. Here there is no dispute that Claimant did not request a hearing within 90 days of the mailing of any negative action pertaining to her FAP benefits.

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 Claimant's hearing request was not submitted timely.

<u>/s/</u>

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

Date Signed: February 29, 2012

Date Mailed: February 29, 2012

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

CC:

