

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

P.O. Box 30639, Lansing, MI 48909-8139
(800) 648-3397; Fax: (517) 335-6088

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-36223
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: June 19, 2012
County: Washtenaw 20

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 June 19, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant's daughter). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Case Manager).

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903 provides in relevant part:

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. [R 400.903(1).]

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, 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, the Department sent Claimant a Notice of Case Action advising Claimant of its decision to

- deny Claimant's application for benefits
- close Claimant's benefits case
- reduce Claimant's benefits

for:

- the Family Independence Program (FIP).
- State Disability Assistance (SDA).
- the Food Assistance Program (FAP).
- Child Development and Care (CDC).
- Medical Assistance (MA).
- State Emergency Services (SER).
- Adult Medical Program (AMP).

The Department's Notice of Case Action to Claimant was dated October 21, 2011.

However, Claimant did not file a request for hearing to contest the Department's action until February 22, 2012. Claimant's hearing request was therefore not timely filed within ninety days of the Notice of Case Action, and is therefore **DISMISSED** for lack of jurisdiction. BAM 600, p 4.

It is SO ORDERED.

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

Date Signed: 6/20/12

Date Mailed: 6/20/12

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

2012-36223/CAP

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]