

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-56272
Issue Nos.: 1000; 4001
Case No.: [REDACTED]
Hearing Date: July 2, 2012
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

**ORDER OF DISMISSAL FOR LACK OF JURISDICTION
AND
DECISION AND ORDER**

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 July 2, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

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).]

In the present case, the Department sent Claimant a Notice of Case Action advising Claimant of its decision to deny Claimant a deferral from the Jobs, Education and Training (JET) program for lack of disability. Per program policy found in BEM 230A and BAM 600, this is not an adjudicable issue. There has been no negative action with regard to this issue, and Claimant has not faced a loss of benefits for failing to attend JET. Therefore, the Administrative Law Judge is unable to hear that issue.

With regard to Claimant's State Disability Assistance (SDA) case, the Department admitted that Claimant had requested SDA, and the Department had only processed

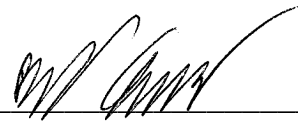
Claimant for a JET deferral. Claimant's SDA application has not been processed at this time. The Department must process all applications, including Claimant's application for SDA. The Department must request an MRT evaluation for claimant's SDA application.

Therefore, claimant's request for a hearing with regard to the JET deferral is DISMISSED, as there is no jurisdiction to hear the issue.

The Department's decision to fail to process Claimant's application for SDA is REVERSED.

The Department is ORDERED to process Claimant's application for SDA.

It is SO ORDERED.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 12, 2012

Date Mailed: July 12, 2012

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. (60 days for FAP cases)

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.

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.

2012-56272/RJC

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

RJC/pf

cc:

