

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

IN THE MATTER OF:



Reg. No: 201261614
Issue No: 1000, 2000
Case No: 100426343
Hearing Date: August 1, 2012
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37; upon the claimant's request for a hearing. After due notice, a hearing was held on August 1, 2012. The claimant personally appeared and provided testimony.

Prior to the closure of the hearing record, the claimant testified that he requested a hearing because the department was not following through with an order issued by Administrative Law Judge C. Adam Purnell on December 6, 2011. The claimant testified that the department had not taken the action that was agreed upon at the previous hearing as outlined in the December 6, 2011 order.

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 the claimant's hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate the claimant's FAP benefits. Rather the claimant requested a hearing because he alleged the department was not in compliance with an agreement reached at a previous hearing. Therefore, the claimant is essentially requesting a hearing to compel the department to comply with a previous order. Under the administrative rule discussed above, claimant does not have a right to a hearing on this issue and thus, this Administrative Law Judge has no jurisdiction in this matter.

Claimant's hearing request is HEREBY **DISMISSED** for lack of jurisdiction.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 2, 2012


Date Mailed: August 3, 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.

CSS/cr

cc:


Allegan County DHS



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