

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

IN THE MATTER OF:

IVY LIPSCOMB
430 E 8TH ST
HOLLAND, MI 49423

Reg. No: 2012-43229
Issue No: 1000, 2000, 3000
Case No: 100245679
Hearing Date: May 2, 2012
County: Ottawa

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 March 21, 2012. After due notice, a hearing was held on May 2, 2012. Participants on behalf of Claimant included William Lipscomb (Claimant's husband). Participants on behalf of Department of Human Services (Department) included Janice Rozema (Family Independence Manager).

Claimant's 3 page hearing request consists of stream of consciousness but it does not directly point to any specific negative action by the Department. During the hearing, Claimant articulated that her was based on the Department did not process her application timely. Claimant's application was received on March 5, 2012 and her request for hearing was received only 16 (sixteen) days later on March 21, 2012.

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 hearing request, the Department had not taken any action to suspend, reduce, discontinue or terminate Claimant's benefits. In addition, the Department did not fail to act upon Claimant's application for benefits with reasonable promptness as only 16 days had expired. 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.

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

Date Signed: 5/4/12

Date Mailed: 5/4/12

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: IVY LIPSCOMB
BRENDA ROWLAND
M. Holden
K. Mardyla-Goddard
T. Taylor
D. Sweeney
D. Shaw
EQAD
A. Purnell
MAHS