

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201318943
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County DHS: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

**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 [REDACTED], in Lansing, Michigan. Participants on behalf of Claimant included Maria Messina as attorney for the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, 1999 AC, R 400.901 through Rule 400.951. 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. Rule 400.903(1). A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1).

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, on September 4, 2012, the Department:

- denied Claimant's application for benefits
- closed Claimant's case for benefits

for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> Child Development and Care (CDC). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> State Emergency Services (SER). |
| <input type="checkbox"/> Adult Medical Assistance (AMP). | |

On [REDACTED], the Department received the Claimant's request for a hearing concerning the Department's action. Because Claimant's request for hearing was not within ninety days of the disputed action taken by the Department, this request for hearing must be dismissed for lack of jurisdiction.

Based on the above discussion, it is **ORDERED** that this Request for Hearing is **DISMISSED**.

/S/

Kevin Scully
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 05/09/2013

Date Mailed: 05/09/2013

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

KS/kl

cc:

[REDACTED]