

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

IN THE MATTER OF:

TIMOTHY SUTTON
448 E MAIN ST IN REAR
OWOSSO MI 48867

Reg. No: 201330646
Issue No: 3000
Case No: 101679118
Hearing Date: March 20, 2013
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's February 14, 2013 request for a hearing received by the Department of Human Services (department) on February 19, 2013. Claimant appeared by three-way conference call. The department was represented by Debra Kelly Wheeler, an eligibility specialist, and Beverly Stapleton, a family independence manager, both with the department's Shiawassee County office.

The regulations regarding the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC), R 400.901 – R 400.951. A hearing request shall be denied or dismissed if, among other things, a claimant abandons the hearing, or the department has no jurisdiction over the matter, or the issue is not appealable. MAC R 400.906(1)(c); MAC R 400.906(1)(d); MAC R 400.906(1)(e). Abandonment occurs if a claimant, without good cause, fails to appear by himself or by his authorized representative at the scheduled hearing. MAC R 400.906(2).

Claimant's February 14, 2013 hearing request challenges the department's December 31, 2012 closure of Claimant's Food Assistance Program (FAP) benefits effective February 1, 2013 due to a criminal justice disqualification.

This matter was originally scheduled for a telephone hearing on February 7, 2013 pursuant to Claimant's previously filed hearing request dated January 4, 2013 challenging the same department action. However, because Claimant failed to appear for his February 7, 2013 hearing, the Michigan Administrative Hearing System issued an Order of Dismissal of Claimant's January 4, 2013 hearing request on February 8, 2013. Thereafter, on February 19, 2013, having found good cause to vacate the February 8, 2013 Order of Dismissal, Administrative Law Judge Kathleen Svoboda issued an Order Vacating the Dismissal and Order to Schedule Matter for Hearing.

After due notice, a telephone hearing was thereafter rescheduled for March 13, 2013 at 3:30 p.m. Claimant failed to appear in person at the Shiawassee County DHS office for

the March 13, 2013 hearing and, prior to the March 13, 2013 hearing, Claimant failed to request that the March 13, 2013 hearing be adjourned or be conducted by three-way conference call. Because Claimant failed to appear for his March 13, 2013 hearing, the Michigan Administrative Hearing System issued an Order of Dismissal of Claimant's January 4, 2013 hearing request on March 14, 2013.

Because Claimant failed to appear for his March 13, 2013 hearing, thus resulting in the March 14, 2013 dismissal of his January 4, 2013 hearing request, Claimant's second hearing request submitted on February 14, 2013, challenging the same department action (closure of his FAP benefits due to criminal justice disqualification), should never have been rescheduled for hearing.

Therefore, pursuant to MAC R 400.906(1), Claimant's February 14, 2013 hearing request is **HEREBY DISMISSED** for the reason that the negative action challenged by Claimant in his February 14, 2013 hearing request was or could have been resolved at the rescheduled March 13, 2013 hearing, which hearing Claimant abandoned.

It is **SO ORDERED**.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 25, 2013

Date Mailed: March 25, 2013

NOTICE: Claimant may appeal this Order of Dismissal to Circuit Court within 30 days of the receipt of the Order of Dismissal.

SDS/cr

cc: TIMOTHY SUTTON
Shiawassee County DHS
H. Norfleet
M. Holden
K. Mardyla-Goddard
S. D. Sonneborn
MAHS