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

## IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2013-38453 3008

April 30, 2013 Wayne County DHS #19

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

# ORDER OF DISMISSAL FOR LACK OF JURISDICTION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Tuesday , Ap ril 30, 2013, in Lansing, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of the Department of Human Services (Department) included **Exercise** APSup.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michig an are found in the Mic higan Administrative Code, 199 9 AC, R 400.901 through Rule 400 .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing bec ause a claim for assistance is denied or is not acted upon with reasonable prom ptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, d iscontinuance, or termination of assistance. Rule 400.903(1). A request for hearing shall be in wr iting 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 he aring 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 December 8, 2012, the Department:

☐ denied Claimant's application for benefits ⊠ closed Claimant's case for benefits

for:

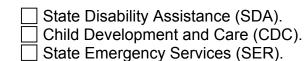
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Family Independence Program (FIP).

 $\boxtimes$  Food Assistance Program (FAP).

Medical Assistance (MA).

Adult Medical Assistance (AMP).



On March 29, 2012, the depart ment received a request for a hearing concerning the Department's action. Bec ause Claimant's request for hear ing was not within ninety days of the disputed action taken by the De partment, this request for hearing must be dismissed for lack of jurisdiction becaus e the hearing request was received pass the  $90^{th}$  day.

The claimant failed to submit her redeter mination application by the due date, which resulted in her FAP case closing, but the claimant is entitled to reapply for FAP benefits.

# **DECISION AND ORDER**

The Administrative Law Judge, based on the above discussion, it is ORDERED that this Request for Hearing is **DISMISSED**.

<u>/s/</u>

Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: May 7, 2013

Date Mailed: May 7, 2013

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**NOTICE**: Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> 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, math ematical 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.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

### CGF/hj

