

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-15370
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: February 13, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

**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 hearing was held on February 13, 2013, at Inkster, Michigan. Participants on behalf of Claimant included the Claimant and her Authorized Representative [REDACTED], [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED] Partnership, Accountability, Training, Hope (PATH) Worker.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903 provides in relevant part:

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. [R 400.903(1).]

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, 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. Department of Human

[Insert.]/[Insert.]

Services Bridges Administrative Manual (BAM) 600 (2012),
p. 4 [italics added].

In the present case, the Department sent Claimant a Notice of Case Action advising Claimant of its decision to

- deny Claimant's application for benefits
- close Claimant's benefits case
- reduce Claimant's benefits

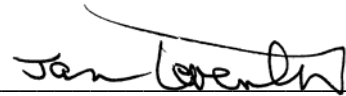
for:

- the Family Independence Program (FIP).
- the Food Assistance Program (FAP).
- Medical Assistance (MA).
- Adult Medical Assistance (AMP).
- State Disability Assistance (SDA).
- Child Development and Care (CDC).
- State Emergency Services (SER).

The Department's Notice of Case Action to Claimant was dated July 20, 2012.

However, Claimant did not file a request for hearing to contest the Department's action until November 30, 2012. Claimant's hearing request was therefore not timely filed within ninety days of the Notice of Case Action, and is therefore DISMISSED for lack of jurisdiction. *Id.*

It is SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 15, 2013
Date Mailed: February 15, 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.

JL/tm

cc:

