

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-16998
Issue No.: 4000
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

CONSENT ORDER OF DISMISSAL

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 May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and witness [REDACTED], his friend. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist-Medical Contact Worker.

The Michigan Administrative Code Rule (MAC R) 400.903(1) provides as follows:

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.

In this case, on December 4, 2012, the Department

- had taken no action with regard to Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

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

Claimant applied for SDA on February 29, 2012. On December 4, 2012, while his application was pending, Claimant made a hearing request regarding SDA benefits.

The December 4, 2012 hearing request generated this administrative hearing. After the filing of the December 4, 2012 hearing request, but before this administrative hearing was held, Claimant's application was denied and the Claimant appealed the Department's decision.

Although Claimant requested a hearing on December 4, 2012 to dispute the Department's action, on December 4, 2012, the Department had not yet made its decision. As of that date, Claimant's case was still pending a decision.

MAC R 400.903(1) permits an administrative hearing when the Department denies assistance or takes an inordinate time to act, or a party is aggrieved by some other action taken with regard to assistance benefits. In this case, it is found and determined that there is no justification for an administrative hearing as of December 4, 2012, when Claimant's case was in pending status.

Accordingly, pursuant to MAC R 400.906(1), Claimant's hearing request is hereby DISMISSED. Based on the above discussion, it is ORDERED that this matter is DISMISSED pursuant to MAC R 400.906(1).



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

Date Signed: May 9, 2013

Date Mailed: May 9, 2013

NOTICE: The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

JL/tm

cc:

