

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-002719
Issue No.: 5000
Case No.: [REDACTED]
Hearing Date: June 9, 2015
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

ORDER OF DISMISSAL – NO ADJUDICABLE ISSUE

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on June 9, 2015, from Kalamazoo, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included Hearings Facilitator [REDACTED].

In the instant case, the evidence and testimony provided confirm that Claimant is disputing the denial of her application for State Emergency Relief (SER) which she applied for on January 22, 2015. It was denied mistakenly when the Department concluded she had not verified her assets. It was later determined that she had submitted the appropriate verification timely, and her application was approved. Although her power was cut off briefly, it was restored after the Department paid the benefits to her utility provider. Claimant requested a hearing after the issue had been resolved.

Instead of wanting a hearing on the issue of the initial denial of her application, Claimant seemingly was primarily interested in making a record about her disagreement with how her application was handled. It was explained to her that the undersigned lacked the authority to grant her any relief if the Department had already resolved her request for benefits by providing the funding she had requested. She was asked repeatedly to explain what else she might be asking by way of relief and she was unable to articulate a response that would have fallen within the authority of the undersigned.

This Administrative Law Judge is delegated authority pursuant to a written directive signed by the Department of Human Services Director, which states:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. Michigan Mutual Liability Co. v Baker, 295 Mich 237; 294 NW 168 (1940). Accordingly, the Administrative Law Judge does not have the authority to substitute its judgment for Department policy,

regardless of his opinion as to what might seem “right” or “fair”, regardless of the circumstances of a particular case.

As the Department rectified the error before she requested a hearing, there is no adjudicable issue. The Request for Hearing is **DISMISSED**.



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **6/10/2015**

DJ/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

