

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

**IN THE MATTER OF:**



MAHS Reg. No.: 15-009357  
Issue No.: 3000  
DHHS Case No.: [REDACTED]  
Hearing Date: July 23, 2015  
County: Genesee (6) Clio Rd

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**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 MCL 400.37, and 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. After due notice, a telephone hearing was held on July 23, 2015, from Lansing, Michigan. Participants on behalf of Claimant included himself and [REDACTED], his Consumer Services Case Manager. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED].

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(1) provides as follows:

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.

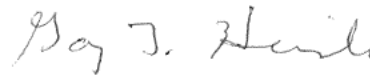
A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Health and Human Services Bridges Administrative Manual (BAM) 600 provides in relevant part as follows:

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. [Emphasis added.]

In the present case, the Department sent Claimant a Notice of Case Action (DHS-1605) on February 17, 2015, which stated he was approved for Food Assistance Program (FAP) benefits in the amount of \$ [REDACTED] per month from March 1, 2015, to February 28, 2017. Claimant submitted this hearing request on June 1, 2015. Claimant's hearing request was not timely filed within 90 days of the February 17, 2015, Notice of Case Action (DHS-1605); and therefore, does not create jurisdiction to review the Department's FAP eligibility determination of February 17, 2015.

Bridges Administration Manual (BAM) 600 Hearings (4-1-2015) does provide jurisdiction to conduct a hearing for FAP only, on the current level of benefits. However, subsequent to Claimant's June 1, 2015, hearing request, the Department changed Claimant's FAP eligibility. Claimant was sent a superseding Notice of Case Action (DHS-1605) on June 15, 2015, which increased his FAP benefits. Therefore, Claimant's June 1, 2015, hearing request is **DISMISSED** for lack of jurisdiction with regard to both the Department's February 17, 2015, FAP eligibility determination and the amount of his FAP benefits at the time of the hearing request.

**IT IS SO ORDERED.**



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Gary Heisler  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Mailed: **7/27/2015**

GH/jaf

**NOTICE:** The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

cc:

