

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-023834
Issue No.: 3000
Agency Case No.: [REDACTED]
Hearing Date: February 08, 2016
County: WAYNE-DISTRICT
31 (GRANDMONT)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

**ORDER OF DISMISSAL PURSUANT TO
UNTIMELY HEARING REQUEST**

This matter is before the Michigan Administrative Hearing System upon Petitioner's request for hearing made pursuant to MCL 400.9 and MCL 400.37, and Titles 7, 42, and 45 of the Code of Federal Regulations, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was commenced on February 8, 2016, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist; and [REDACTED], Hearing Facilitator.

The hearing was requested by the Petitioner on December 21, 2015, to dispute the Department's action taken with respect to the reduction of Food Assistance Program (FAP) benefits which occurred in February 2015.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), p. 2. Moreover, BAM 600, p. 6 provides that a request for hearing must be

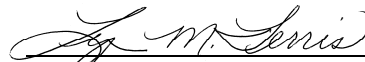
received in the Department local office **within 90 days of the date of the written notice of case action**. (Emphasis supplied).

In the present case, the Department sent Petitioner a Notice of Case Action advising Petitioner of its decision to reduce the Petitioner's FAP benefits to \$█ case for the Medicare Savings Program benefits (MA).

The Department's Notice of Case Action to Petitioner was dated January 2015 reducing the Petitioner's Food Assistance to \$█ effective February 1, 2015. The Petitioner received the Notice. However, Petitioner did not file a request for hearing to contest the Department's action until December 21, 2015.

Petitioner's hearing request was not timely filed within 90 days of the Notice of Case Action and is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **2/9/2016**

LMF/jaf

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Petitioner may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County.

cc:

