STATE OF MICHIGAN
RICK SNYDER
GOVERNOR
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director
SHELLY EDGERTON
DIRECTOR

Date Mailed: June 17, 2016
MAHS Docket No.: 16-005623
Agency No.: ▓▓▓▓▓▓
Petitioner: ▓▓▓▓▓▓

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

ORDER OF DISMISSAL
FOR LACK OF JURISDICTION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on ▓▓▓▓▓▓▓▓, from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by ▓▓▓▓▓▓ ▓▓▓▓ Hearing Facilitator, and ▓▓▓▓▓▓, Assistance Payments Worker.

In this case, the Petitioner requested a hearing complaining that the Department and some of its employees had given his personal financial information to various caseworkers in the Department. The Petitioner also alleged that the security guard on duty at the Department also knew about his personal finances.

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.

BAM 600 requires that the right to contest a department decision concern <u>benefit eligibility or benefit levels</u> whenever they believe the decision is incorrect. The

department provides an administrative hearing to review the decision and determine its appropriateness in accordance with policy.

All Programs

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For **FAP only**, the current level of benefits or denial of expedited service. BAM 600, (October 1, 2015), p. 4-5.

In this case, as the Petitioner is not requesting a hearing regarding any of the above Department actions, thus, the undersigned has no jurisdiction as there is no issue which the undersigned may decide given the Petitioner's complaint.

Petitioner's hearing request was not based upon any issue which can be determined by the undersigned and is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

LMF/jaf

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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

Petitioner

cc: