



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
Date Mailed: November 29, 2016
MAHS Docket Nos.: 16-015642; 16-011650
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

ORDER OF DISMISSAL PURSUANT TO ABANDONMENT

Following Petitioner's requests for 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, an in-person hearing commenced on [REDACTED], from Southfield, Michigan. The Petitioner was represented by [REDACTED] (Petitioner); and his witness, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator; and [REDACTED], Assistant Payment Supervisor.

In the present matter, Petitioner filed two separate hearing requests to dispute the following programs: (i) filed a hearing request on [REDACTED], to dispute the closure of his Food Assistance Program (FAP) benefits – Reg. No. [REDACTED]; and (ii) filed a hearing request on [REDACTED], to dispute the closure of his Medical Assistance (MA) benefits – Reg. No. [REDACTED]. As a result of both hearing requests, without objection, the undersigned Administrative Law Judge (ALJ) consolidated both for hearing purposes.

Shortly after commencement of the hearing, Petitioner read an opening statement for the record. Following the opening statement, the undersigned ALJ directed the Department's Hearings Facilitator to explain the position of the local office, which included the Department reading the Hearing Summary (DHS-3050) into the record. After the Department read the Hearing Summary into the record, Petitioner objected to the Department referencing the manual items used, e.g. the Bridges Administrative Manual (BAM), in taking the actions to close his benefits because the Department failed to provide him full printed copies of the manual items. The Department responded to Petitioner's objection stating that the manual items are freely available to the public on the michigan.gov website.

After hearing both parties' responses, the undersigned ALJ overruled Petitioner's objection, but noted his objection for the record. As a result, the undersigned ALJ allowed the Department to proceed with its case presentation. However, Petitioner disagreed with the undersigned ALJ's decision to overrule his objection and he left the hearing before an adequate record for purposes of judicial review could be completed.

Based upon Petitioner's action, the undersigned ALJ determined that Petitioner abandoned the hearing. It is further determined that as a result of the abandonment, Petitioner's Requests for Hearing is dismissed.

IT IS HEREBY ORDERED:

The hearing in this matter is **DISMISSED**.

IT IS SO ORDERED.

EJF/jaf



Eric J. Feldman
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.

DHHS



Petitioner

