



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: December 9, 2016
MAHS Docket No.: 16-015872
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

ORDER OF DISMISSAL

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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by [REDACTED] (Petitioner). The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

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.

On [REDACTED], Petitioner applied for State Disability Assistance (SDA) benefits. Exhibit A, pp. 1 and 9.

On [REDACTED], Petitioner filed a hearing request, protesting the following: (i) the Department failed to process her SDA application as she had yet to receive a response; and (ii) the Department failed to process her reported changed of an Authorized Representative (AR) for her Bridge card. Exhibit A, pp. 2-3.

Shortly after commencement of hearing, it was determined that Petitioner's hearing issues had been resolved. On [REDACTED], the Department sent Petitioner a

Notice of Case Action notifying her that her SDA application was denied effective [REDACTED] Exhibit A, pp. 12-15. Even though it did take some time to process her application, the Department ultimately processed the SDA application and issued a denial notice. See Exhibit A, pp. 12-15. As such, Petitioner's issue concerning the failure to process her SDA application has been resolved. Now, if Petitioner disputes the denial of the SDA application, she must request another hearing because this is separate issue that the undersigned Administrative Law Judge (ALJ) lacks the jurisdiction to address. See Bridges Administrative Manual (BAM) 600 (October 2016), p. 6, (The client or Authorized Hearing Representative (AHR) has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days).

Additionally, Petitioner requested a hearing in which she disputed the Department's failure to process her reported change of an AR for her Bridge card. Exhibit A, pp. 2-3. During the hearing, it was discovered that Petitioner already had an AR assigned to the Bridge card and the Department informed her to submit in writing a change of the AR. See BAM 401E (March 2016), p. 4, (If a client wants to change the AR and the person is not listed in the current DHS-1171, Assistance Application, then a DHS-247, EBT Food Stamp Authorized Representative, must be completed). Petitioner acknowledged the Department's instructions and indicated that she was no longer disputing her hearing issue concerning the change in the AR.

Accordingly, because Petitioner's SDA issue is now resolved and she is no longer disputing her change in the AR for the Bridge card, Petitioner's hearing request (dated [REDACTED]) 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

[REDACTED]

Petitioner

[REDACTED]

Via email

[REDACTED]