



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 11, 2018
MAHS Docket No.: 18-007587
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

ORDER DENYING VACATING ORDER OF DISMISSAL

This matter is before the undersigned to determine whether the circumstances warrant vacating the Order of Dismissal issued on August 30, 2018 in the above-captioned matter.

On July 20, 2018, Petitioner [REDACTED] requested a hearing to dispute the closure of her Food Assistance Program (FAP) case by the Department of Health and Human Services (Department). The Michigan Administrative Hearing System (MAHS) scheduled a hearing via three-way telephone conference on the above-captioned matter for August 29, 2018. Attempts to contact Petitioner [REDACTED] at the number she provided in her July 20, 2018 hearing request were unsuccessful, and on August 30, 2018, MAHS issued an Order of Dismissal due to Petitioner's failure to appear for the hearing.

On September 4, 2018, the Department forwarded to MAHS a letter it received from Ms. Howard on August 17, 2018. In the letter, Petitioner stated that her FAP was reinstated but she "currently still [has] many grievances against Michigan State agencies" and requested a hearing so that her grievances could be heard. She also provided a new telephone number. Because the letter was received after the Order of Dismissal was issued, the letter is considered by the undersigned to determine whether it establishes a basis to vacate the Order of Dismissal.

Because Petitioner had a new telephone number that she forwarded to the Department prior to the hearing date, the incorrect number for Petitioner was used to contact her for the hearing. However, in her letter Petitioner states that her FAP issue was resolved and she only wanted to participate in the hearing to address grievances she had against the Department. MAHS's authority to hold hearings is limited to Department actions resulting in the denial of FAP benefits, the closure of a FAP case, the failure to process, or the current level of FAP benefits. Bridges Administrative Manual (BAM) 600 (August 2018), p. 5; MAHS does not have authority to address grievances against the

Department. Mich Admin Code, R . 792.11002. Because Petitioner indicates that her FAP issue was resolved and her issue was limited to the grievance issues, she does not have a hearable issue. Thus, she has failed to establish good cause to vacate the Order of Dismissal.

Accordingly, the undersigned Supervising Administrative Law Judge, having reviewed the circumstances in the above-captioned matter and finding no good cause to vacate the Order of Dismissal,

NOW, THEREFORE, IT IS ORDERED that the request to vacate the Order of Dismissal is **DENIED**.

IT IS SO ORDERED.

AE/tm



Alice C. Elkin
Supervising 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]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]