



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: March 22, 2019
MAHS Docket No.: 19-001205
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

ORDER DENYING REQUEST TO VACATE

Petitioner [REDACTED] requested a hearing to dispute the actions taken by the Department of Health and Human Services (Department) on her State Emergency Relieve (SER) application. The Michigan Administrative Hearing System (MAHS) scheduled a hearing on March 14, 2019 at 3:00 p.m. MAHS did not receive a fax or phone call from Petitioner prior to 3:30 p.m. advising that she was not able to appear for the hearing. On March 15, 2019, an Order of Dismissal was issued, dismissing Petitioner's hearing request due to her failure to appear for the scheduled hearing.

On March 18, 2019, MAHS received a faxed letter from Petitioner acknowledging that she had a hearing on March 14, 2019 at 3:00 p.m. but explaining that neither she nor her husband drove and the person who was going to drive them got sick and could not drive them to the hearing. The request was reviewed by the undersigned supervising ALJ as a request to vacate the March 15, 2019 Order of Dismissal.

The hearing instructions included with the Notice of Hearing clearly advised parties to telephone MAHS immediately if unable to participate in a hearing on the date of the hearing. A review of the MAHS records does not show that Petitioner contacted MAHS prior to the scheduled hearing date and time to report that she would not be able to attend the hearing because of lack of transportation. Accordingly, it is found that Petitioner has failed to present good cause to support her request to vacate the order of dismissal.

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



AE/tm

Alice C. Elkin

Supervising Administrative Law Judge
for Robert Gordon, 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]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]