



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

Date Mailed: July 9, 2019
MOAHR Docket No.: 19-004953
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 his Food Assistance Program (FAP) case under the Michigan Combined Application Project (MiCAP) program. In response, the Michigan Office of Administrative Hearings and Rules (MOAHR) scheduled a hearing on June 10, 2019 at 2:30 pm, with Petitioner to participate in the hearing via telephone. The MOAHR records show that on June 10, 2019, the administrative law judge contacted Petitioner at the telephone number of record and left a voicemail message advising Petitioner that he had until 3:00 p.m. to call MOAHR back if he wished to proceed with the hearing. No return call was received, and on June 11, 2019, an Order of Dismissal was issued, dismissing Petitioner's hearing request due to his failure to appear for the scheduled hearing.

On June 24, 2019, MOAHR received a faxed letter from Petitioner's mother requesting that the Order of Dismissal be vacated and the hearing be rescheduled. Petitioner's file did not contain any documentation showing that he appointed his mother as his authorized hearing representative. When contacted by MOAHR, Petitioner's mother indicated that she was neither Petitioner's guardian nor his power of attorney. In the absence of any documentation appointing Petitioner's mother as Petitioner's authorized hearing representative, Petitioner's mother lacks the authority to request that the Order of Dismissal be vacated. See Bridges Administrative Manual (BAM) 600 (July 2019), pp. 2-3.

NOW, THEREFORE, IT IS ORDERED that the request to vacate the Order of Dismissal by an unauthorized party 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 Office of Administrative Hearings and Rules.

DHHS

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

Petitioner

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

cc: FAP: [REDACTED]