



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 30, 2019
MOAHR Docket No.: 19-009085
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: ALICE C. ELKIN

ORDER DENYING REQUEST TO VACATE DISMISSAL

In response to Petitioner [REDACTED] request for hearing to dispute the actions taken by the Department of Health and Human Services (Department), the Michigan Office of Administrative Hearings and Rules (MOAHR) scheduled a hearing on September 16, 2019 at 10:00 a.m. Petitioner did not appear for the hearing. On September 17, 2019, MOAHR issued an Order of Dismissal, dismissing Petitioner's hearing request due to her failure to appear for the scheduled hearing.

On October 25, 2019, the Department forwarded to MOAHR a hearing request Petitioner submitted to the Department on October 18, 2019 that stated as follows:

I missed my scheduled hearing date because I was only notified online not by mail. I then received by mail a notice that I missed my appointment. I've been waiting for this hearing since August.

Because Petitioner disputes the Order of Dismissal, the undersigned has reviewed Petitioner's request as a request to vacate the September 17, 2019 Order of Dismissal.

A review of the MOAHR files shows that a notice of the September 16, 2019 hearing was sent by MOAHR to Petitioner at her Rust Ave address, the same address to which the Order of Dismissal was sent. MOAHR did not receive any return mail indicating that the notice of hearing was not deliverable. Furthermore, despite admitting that she received the Order of Dismissal, Petitioner did not request to vacate the order until 31 days after the order was issued.

Under these facts, it is found that Petitioner has failed to present good cause for her failure to appear at the September 16, 2019 hearing and 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**.

ACE/tlf



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.

Via Email:

MDHHS-Saginaw-Hearings
MOAHR

Petitioner – Via First-Class Mail:

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