



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: March 29, 2022
MOAHR Docket No.: 22-000532
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

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, 42 CFR 438.400 to 438.424, 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 March 24, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Melissa Stanley, Hearing 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.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual BAM 600 (January 2020), p. 2. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. For Food Assistance Program (FAP) only, the client or AHR may request a hearing disputing the current level of benefits at any time within the benefit period. BAM 600, p. 7.

In the present case, Petitioner disputes the calculation of her FAP benefits issued from June 2020 to December 31, 2020. MDHHS received the hearing request from Petitioner on February 9, 2022.

Petitioner's hearing request was not timely filed within the disputed benefit period and is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.



Danielle Nuccio
Administrative Law Judge

DN/mp

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.

Email Recipients:

MDHHS-Saginaw-Hearings
D. Sweeney
M. Holden
MOAHR
BSC2

First-Class Mail Recipient:

[REDACTED]
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[REDACTED], MI [REDACTED]