



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] [REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 23, 2022
MOAHR Docket No.: 22-000465
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

ORDER OF DISMISSAL

Following Petitioner's request for a hearing, this matter is before the undersigned administrative law judge pursuant to MCL 400.9 and 400.37; 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 hearing was held via telephone conference line on March 17, 2022. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Princess Ogundipe, specialist.

On February 3, 2022, Petitioner requested a hearing, in part, to dispute a termination of Food Assistance Program (FAP) benefits. During the hearing, Petitioner acknowledged that this dispute was favorably resolved and that an administrative hearing remedy was not needed.

Petitioner also requested a hearing to either be assigned a new specialist and/or to initiate disciplinary actions against her specialist. Petitioner testified that her case closed after her specialist failed to process timely submitted documents. Petitioner also stated the improper closure was not the first time. Petitioner further stated that complaints to the specialist's supervisor resulted only in excuses for the specialist.¹

A hearing can be granted for actions affecting benefits or services. Administrative hearing jurisdiction is limited to the following:

- Denial of an application or supplemental payment.
- Reduction in benefits or services.
- Suspension or termination of benefits or services.
- Restrictions under which benefits or services are provided.
- Delays in action beyond the standards of promptness.
- A denial of expedited service or the current level of benefits (FAP and CDC only)

Bridges Administrative Manual 600 (January 2020) p. 5.

¹ MDHHS testified that Petitioner's specialist was suffering from COVID-19 during the time that Petitioner's case closed.

Notably, assignment of a new specialist is not among the reasons for which a hearing may be granted. In other words, a new specialist and/or disciplinary action against MDHHS staff are not an available administrative hearing remedies. As stated during the hearing, any reassignment or discipline of MDHHS staff is within the discretion of MDHHS.

One of Petitioner's disputes was favorably resolved, and the other is one for which there is no administrative hearing jurisdiction. Accordingly, Petitioner's hearing request is properly **DISMISSED**.

CG/mp



Christian Gardocki

Administrative Law Judge

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 (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Email Recipients:

MDHHS-Wayne-18-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

First-Class Mail Recipient:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]