



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: October 31, 2023
MOAHR Docket No.: 23-005329
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 MCL 400.37, and 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 to 99.33, and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on October 26, 2023. ██████████ ██████████ the Petitioner, appeared on her own behalf. ██████████ ██████████ Friend, appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by Kael Meyer, Assistance Payments Supervisor (APS).

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 (March 1, 2021), 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.

On August ██████████ 2023, Petitioner filed a Hearing Request contesting actions regarding all benefits, specifically noting Food Assistance Program (FAP), State Emergency Relief (SER), and Medical Assistance (MA).

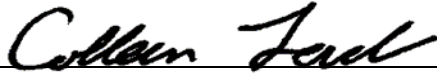
In the present case, the Department sent Petitioner a Notice of Case Action on August █ 2023 advising Petitioner that Food Assistance Program (FAP) benefits would close effective October █ 2023. Negative actions also occurred regarding Medical Assistance (MA) and State Emergency Relief (SER) benefits. The Department acknowledged that the closures/denial were in error. The APS confirmed the FAP, MA, and SER benefits were reinstated for Petitioner. Accordingly, there is no longer a denial/closure of FAP, SER, or MA benefits to review for this administrative hearing.

As discussed, a separate hearing request was filed regarding medical transportation benefits and the medical transportation issues will be addressed as a separate case.

The Department acknowledged that the closure/denials of FAP, MA, and SER were in error and confirmed that FAP, MA, and SER benefits have already been reinstated for Petitioner. Accordingly, Petitioner's hearing request is, therefore, **DISMISSED**.

IT IS SO ORDERED.

CL/dm



Colleen Lack
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

Via-Electronic Mail :

DHHS
Kael Meyer
Lake County DHHS
MDHHS-Lake-
Hearings@michigan.gov

HoldenM

DensonSogbakaN

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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[REDACTED]
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