

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

GENERAL RULES

(By authority conferred on the Michigan Administrative Hearing System by section 6 of 1939 PA 280, MCL 400.6, and Executive Reorganization Order Nos. 2005-1 and 2011-4, MCL 445.2021 and 445.2030)

HEARINGS, APPEALS, AND DECLARATORY RULINGS

R 400.901 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.902 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.903 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.904 Request for hearing; timeliness.

Rule 904. (1) A request for a hearing shall be in writing and signed by the claimant, petitioner, or on his behalf by his authorized representative.

(2) The request may be filed with the state department office in Lansing or a local county office. When filed with the local county department office, it shall be forwarded immediately to the state department office.

(3) Freedom to make a request for a hearing shall not be limited or interfered with in any way. The agency shall assist a claimant to submit and process his request.

(4) A claimant shall be provided 90 days from the mailing of the notice in R 400.902 to request a hearing.

(5) When a claimant requests a hearing within the timely notice period, assistance shall not be suspended, reduced, discontinued, or terminated until a decision is rendered after a hearing, unless:

(a) A determination is made at the hearing by the administrative law judge that the sole issue is one of state or federal law or policy. The administrative law judge shall inform a claimant promptly in writing that assistance is to be discontinued pending the final decision if the sole issue is one of state or federal law or policy, subject to this issue being reconsidered in the final decision.

(b) A subsequent change affecting a recipient's grant occurs while the hearing decision is pending and a recipient fails to request a hearing after notice of the subsequent change.

(6) When an appeal is filed from a written notice of revocation, denial, or refusal to renew a license within 30 days of receipt of the written notice, the denial, revocation, or refusal to review shall be held in abeyance pending the final decision.

History: 1979 AC.

R 400.905 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.906 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.907 Rescinded.

History: 1979 AC; 2014 AACS; 2015 AACS.

R 400.908 Rescinded.

History: 1979 AC; 2014 AACS; 2015 AACS.

R 400.909 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.910 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.911 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.912 Rescinded.

History: 1979 AC; 2015 AACS.

R 400.913 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.914 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.915 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.916 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.917 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.918 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.919 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.920 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.921 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.922 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.941 Rescinded.

History: 1979 AC; 2015 AACCS.

R 400.951 Declaratory rulings.

Rule 51. (1) Upon receipt of a written request specifically asking that a declaratory ruling be issued by the department from an interested person or the agent of an interested person, as defined in section 5 of Act No. 306 of the Public Acts of 1969, as amended, being S24.205 of the Michigan Compiled Laws, the department director or person specifically delegated by the department director may issue a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the department or of a rule or order of the department.

(2) A request for a declaratory ruling shall contain all of the following information:

(a) A clear, concise, and complete statement of the actual state of facts upon which a requested ruling is to be based.

(b) The statute, rule, or order involved.

(c) A precise statement of the legal question or issue asked.

(d) The signature of the interested person making the request.

(3) The requester may submit with the request a brief or other reference to legal authorities upon which the person believes the declaratory ruling should be based.

(4) The request may be declined in any of the following situations:

(a) The subject matter of a request is frivolous on its face.

(b) The statement of actual facts or issues contained in a request is indefinite, incomplete, or lacks specificity.

(c) The same, or substantially the same, actual state of facts or issue of law is under investigation or is, or has been, the subject of a current action, order, judgment, or decree initiated, pending against, or obtained by the department, the attorney general, or a prosecuting attorney.

(5) If a department declines to issue a declaratory ruling, the interested person making the request shall be given notice, in writing, within 45 working days of receipt of the request. The denial shall include the facts upon which the denial has been made.

(6) If the department issues a declaratory ruling, it will be issued within 60 working days and shall contain all of the following:

(a) A statement or findings of fact.

(b) Conclusions of law supported by legal authority or reasoned opinion.

(c) The ruling or determination made.

History: 1985 AACCS.