

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

400.9 Rules for conduct of hearings; procedure; hearing authority; powers and duties; review; representation of department; compliance with Open Meetings Act.

Sec. 9.

(1) Pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, the director shall promulgate rules for the conduct of hearings within the state department. The rules shall provide adequate procedure for a fair hearing of appeals and complaints, when requested in writing by the state department or by an applicant for or recipient of, or former recipient of, assistance or service, financed in whole or in part by state or federal funds. Hearings shall be conducted by agents designated by the director. The director may appoint a hearing authority to decide these cases. The hearing authority shall be vested with the powers and duties of the director to hold and decide hearings. The director may also upon his or her own motion review a decision of a county or district department with respect to the granting of assistance financed in whole or in part by state or federal funds, and may consider and pass upon an application for assistance that has not been acted upon by the county or district department within a reasonable time.

(2) Irrespective of funding source, the state department may be represented in any hearing held pursuant to subsection (1) by a duly authorized employee or agent of the state department.

(3) A hearing held pursuant to this section shall be held as prescribed in the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

History: 1939, Act 280, Imd. Eff. June 16, 1939 ;-- CL 1948, 400.9 ;-- Am. 1957, Act 95, Eff. Sept. 27, 1957 ;-- Am. 1965, Act 401, Imd. Eff. Oct. 27, 1965 ;-- Am. 1971, Act 193, Imd. Eff. Dec. 20, 1971 ;-- Am. 1978, Act 224, Imd. Eff. June 13, 1978 ;-- Am. 1982, Act 131, Imd. Eff. Apr. 20, 1982 ;-- Am. 1993, Act 41, Imd. Eff. May 27, 1993

Popular Name: Act 280

Admin Rule: R 400.1 et seq.; R 400.3351; and R 400.3401 et seq. of the Michigan Administrative Code.