

TIME RECEIVED
August 28, 2014 9:21:45 PM EDT
Thursday, August 28, 2014 08:43 PM

REMOTE CSID
5177211820
patps 5177211820

DURATION
116

PAGES
5

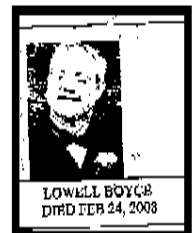
STATUS
Received

p.01

All the below cases in (State of Michigan) or Federal court were conducted without following basic administrative guidelines.

The court judges either just rubber stamped and denied our case, or had spent the hearing time acting like a yelling idiot. This is to notify you regarding this horrible situation; and tell this story before my time has ran out. I am now 76 years old. To those responsible for obstructing justice and illegally targeting my daughter, you will be judged in this life or the next.

Sadly, no individual or agency has provided any action to those responsible for denying Patricia's medical treatment for internal bleeding when she could have died, denying her FMLA and due process by falsifying TSA statements, victimizing by assault and battery by the Deputy Security Director at Flint Bishop Airport, terminating my daughter's employment, creating a false dynamite allegation against her, and injustices including a fellow employee's death. Both Republicans and Democrats have been negligent in dealing with these issues.



2007 Unemployment case (State of Michigan): Dismissed by Michigan Administrative Court Judge Smith when TSA submitted false statements and lied about FBI involvement stating they were not aware of Shepard's request when proof indicated it was faxed directly to them. See transcripts. Everyone knows the Transportation Security Administration had fixed the judge's decision. There was no appeal granted by any court, every court failed to process any of Shepard's subpoenas until the day of case dismissal and simply denied everything at once. One subpoena requested a date change for an earlier Michigan Circuit Court hearing and was even outstanding passed Shepard's preferred hearing date. After the court, the Michigan unemployment review process and Michigan Circuit Court were reported for judicial misconduct and again nothing was done.

The Transportation Security Administration (TSA) stated in a letter if you don't like TSA's decision you can seek a remedy in U.S. District Court. From 2008-2011, a legal complaint against Transportation Security Administration (TSA) submitted by Shepard in Federal Court, and not one court addressed the false dynamite allegation when TSA had refused to clear Shepard's name. Shepard's subpoenas were outstanding passed the time requirement. The court lost Shepard's revised complaint and then lost her three appendices attached to her complaint. When Shepard was notified about the situation she quickly notified the U.S. District Court Judge in Detroit, but they still rendered a decision on her case. This court denied Patricia's case without all the information that failed medical treatment for internal bleeding when she could have died, FMLA, denied due process by falsified TSA statements, victimized by assault and battery by the Deputy Security Director at Flint Bishop Airport, terminated my daughter's employment and killed Lowell Boyce and possibly contributed to other employee deaths. There was no appeal granted by any federal court. Great justice!

2012 CASE: stopped my daughter's Veteran Health benefits (corrected without appealing)

2013 CASE: State of Michigan delayed State Emergency Assistance for a furnace leaving us without heat.

2014 CASE: MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES stopped food assistance in December 2013. It was appealed to 56th Circuit after ALJ Johnson stated we asked for a hearing prematurely after waiting 105 days, so the State of Michigan has become a puppet for the federal government dirty work.

Today, the Eaton County 56th Circuit Court decided to remand our case back to the same people (DHS) who disregarded their own regulations that reflect an Administrative Law Judge went off the reservation without accountability. This first hearing proceeding was not an error as stated by the 56th Circuit Court; it was clearly abuse of discretion. A recording of this proceeding is available. I wish the federal and state government had the same determination in dealing with this injustice as shown in dealing with protests in Ferguson, MO. Heads up! No person believes that poor a-- story about the VA General Inspector that cannot confirm the Veteran Administration delays in veteran care. There is enough evidence. You have the murder weapon (medical delays), the murder victims (veteran bodies), and eye witnesses and testimonies. What else do you need?

Next time no telephone hearing will be accepted in this case. We will have an in-person hearing with another Administrative Law Judge in Lansing along with all required subpoenas adhered to prior to the hearing. There will be no exceptions. Anything less is just another setup by the State of Michigan and only a waste of time. So, you cannot say you did not know about this injustice.



Theda Ruth Sinclair

She proudly served in the United States Army and a TSA Officer at the Capital City Airport died without TSA completing her retirement paperwork for insurance leaving her family with \$ 8,000 dollars in debt. She did not deserve this and certainly is a pattern are elected officials have ignored. Shamefull



EVELYN BOYCE
DIED APR 2008

Evelyn Boyce

Prolong medical complications made long-term employment impossible after Lowell's employment with the Transportation Security Administration (TSA) headquartered in Lansing MI. This sadly led to Lowell Boyce's painfully slow and tragic death. Subsequently, this led to Evelyn Boyce, Lowell's mother's pre-mature death April , 2008, the same year.

Evelyn Jean (Foote) Boyce was born October 28, 1924, and grew up on a farm in Ithaca, Michigan. During WWII, Evelyn worked tirelessly at the Saginaw Steering Geer making B-24 bombers while raising five children. No mother should have to bury their children!

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF EATON

PATRICIA SHEPARD

Appellant,

File No. 14-488-AE

Hon. Janice K. Cunningham

DEPARTMENT OF HUMAN SERVICES,

Appellee.

OPINION AND ORDER

At a session of said Court, in the
City of Charlotte, County of Eaton, State of
Michigan, on the 24 day of
July, 2014.

Present: Janice K. Cunningham, Circuit Judge

Patricia Shepard's ("Appellant") benefits were closed by the Department of Human Services ("Appellee") at the end of December, 2013. Upon Appellant's request, a hearing was held before Administrative Law Judge Darryl T. Johnson on March 20, 2014, regarding the negative action to Appellant's benefits. The Administrative Law Judge dismissed Appellant's hearing request for lack of jurisdiction. Appellant has now filed an appeal of the Administrative Law Judge's Order with this Court pursuant to MCL 400.37.

A Circuit Court's review of an administrative agency's decision is limited to determining whether the decision was contrary to law; was supported by competent,

material, and substantial evidence on the whole record; was arbitrary or capricious; was clearly an abuse of discretion; or was otherwise affected by a substantial and material error of law. Mich Const 1963, art 6 § 28; MCL 24.306. Further, the Court, as appropriate, may affirm, reverse or modify the decision or order or remand the case for further proceedings. MCL 24.306(2).

Here, this Court finds that the administrative law judge erred by dismissing Appellant's hearing request for lack of jurisdiction. This Court has determined that the Administrative Law Judge's Order was not supported by competent, material and substantial evidence on the whole record. MCL 24.306(1)(d).

Appellant's benefits were closed at the end of December, 2014, because she did not participate in a redetermination interview that was scheduled earlier that month. The record shows that Appellant then submitted her first request for a hearing after the missed interview. That request was received by Appellee on December 9, 2014. It was this first request for a hearing that the Administrative Law Judge relied on when determining that Appellant's case was not yet ripe. In his order, the Administrative Law Judge cited the Department of Human Services Bridges Administrative Manual (BAM) 600, p. 6, which provides:

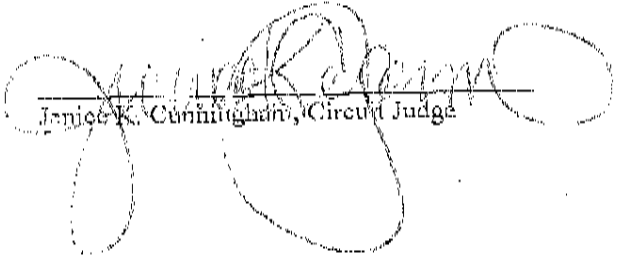
The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

Based solely on the first request for a hearing that was received by Appellee on December 9, 2014, the Administrative Law Judge correctly reasoned that Appellant's case was not yet ripe; no case action had occurred when the December 9, 2014, hearing request was received by Appellee. However, there is evidence within the record that

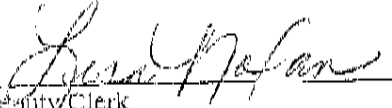
Appellant submitted a second hearing request. This second hearing request was received by Appellee on January 9, 2014.

Further, it is clear that the second hearing request was received within the time frame required by BAM 600. The second hearing request was received by Appellee after the negative case action had occurred, and it was received by Appellee within 90 days after the case action. Therefore, based on the January 9, 2014, hearing request, the Administrative Law Judge's Order was not supported by competent, material and substantial evidence on the whole record.

Accordingly, this case is remanded to the Administrative Law Judge for a hearing regarding the negative case action to Appellant's benefits.


Janice K. Cunningham, Circuit Judge

COUNTERSIGNED:


Deputy Clerk

x:cunningham-shepardappeal opinion