

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-27230

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 12, 2009

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on February 12, 2009. Claimant personally appeared and testified.

ISSUE

Is Claimant entitled to a hearing when her request for Family Independence Program (FIP) benefits has not been denied, the Department has already corrected its error, and no negative action is pending?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant is a FIP benefits recipient.
- (2) She applied for FIP benefits on September 30, 2008.

(3) The Department did not timely process Claimant's application due to a Department error. The Department opened her FIP case on November 25, 2008.

(4) Consequently, the Department provided Claimant with a supplemental check in the amount of [REDACTED] for benefits she was eligible to receive from October 16, 2008 through November 30, 2008.

(5) Claimant requested a hearing because she has been frustrated by the failure of Department workers to timely perform actions related to her case and failed to timely respond to her calls, appointments and correspondence.

(6) The Department received a hearing notice in December 2008.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The state administrative rules state that an opportunity for an administrative hearing shall be granted to an applicant who requests a hearing because her claim for public assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in the suspension, reduction, discontinuance or termination of public assistance. MAC R 400.903(1). Department policy further states that a request for a hearing may be granted to any recipient who is aggrieved by a Department action resulting in

restrictions under which benefit services are provided, any action beyond standards of promptness, and expunction or amendment of a child abuse/neglect central registry or local office record. PAM Item 600.

Prior to this hearing, the Department had already corrected its error that resulted in the late processing of Claimant's application for FIP benefits by supplementing her monthly allotment by [REDACTED] the amount that she was entitled to receive had her application been timely processed. Therefore, there is no outstanding error or negative action involving Claimant's case. Consequently, it is found that Claimant is not aggrieved by a Department action. Since Claimant is not aggrieved by any Department action, her hearing request must be dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is not entitled to a hearing because she is not aggrieved by any Department action.

Accordingly, the Claimant's hearing request is DISMISSED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 13, 2009

Date Mailed: February 20, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TLW

cc:

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