

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: 2009-16401
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 30, 2009
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an in-person /telephone hearing was held on April 30, 2009.

The department was represented by Stacy Smith (JET program), Angie Soldis (JET/FIS), and Amy Connell (FIM).

ISSUE

Did the ALJ correctly affirm the Jackson County noncompliance sanction placed on claimant's FIP case?

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 former FIP recipient and mandatory Work First participant.

(2) In November 2008, claimant failed to participate in her Work First assignment due to illness.

(3) On December 12, 2008, the FIS/JET worker sent claimant a negative action notice stating that her FIP case would close December 23 due to noncompliance.

(4) On December 23, 2008, the JET/FIS worker held a Triage session with claimant to determine if she had good cause for her November 2008 noncompliance.

(5) The FIS worker decided that claimant did not establish good cause on December 23, 2008.

(6) On December 23, 2008, claimant filed hearing request #1.

(7) On February 18, 2008, ALJ Chavez held an in-person hearing pursuant to claimant's hearing request.

(8) On March 2, 2009, ALJ Chavez issued a D&O upholding the FIP sanction imposed by the department.

(9) On April 30, 2009, the department closed claimant's FIP case based on the decision by ALJ Chavez.

(10) On March 5, 2009, claimant filed hearing request #2 objecting to the Decision and Order issued by ALJ Chavez.

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 (DHS or department) 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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under the department's current Administrative Rules, a claimant who objects to a decision issued by an Administrative Law Judge has 30 days to request a rehearing or to appeal the decision to Circuit Court. MAC R 400.921.

In this case, claimant did not request a rehearing and this Administrative Law Judge does not have jurisdiction to review the Decision and Order issued by ALJ Robert Chavez on March 3, 2009. MAC R 400.919. The claimant does not have a right to have Judge Chavez's Decision & Order reviewed by the undersigned based on her March 5, 2009 hearing request.

Claimant's appeal rights were properly spelled out in the Decision & Order issued by Judge Chavez on March 2, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, dismisses claimant's March 5, 2009 hearing request due to lack of jurisdiction.

Accordingly, the department's decision in the above matter is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 8, 2009

Date Mailed: May 8, 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.

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.

JWS/tg

cc:

