

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: 2009-34266

Issue No: 3000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 4, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

ORDER OF DISMISSAL

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 hearing was held on November 4, 2009. Claimant appeared and testified.

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

The regulations governing hearing and appeals for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code. MAC R 400.901-.951. MAC R 400.903 reads in part: An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with

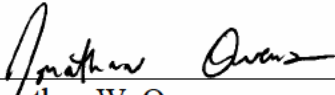
reasonable promptness, and to any recipient who is aggrieved by a department action resulting in suspension, reduction, discontinuance, or termination of assistance.

In the present case, claimant filed a request for hearing. The department, however, has not currently taken a negative action or failed to act in a timely manner regarding benefits or services to the claimant. The Claimant testified she was appealing the constant mistakes made by the Department. The Claimant testified the Department error had caused her to be over issued FAP benefits and now those benefits were being recouped. This had been previously heard in a hearing held by another Administrative Law Judge.

The Claimant complained the Department had not included medical expenses, yet, the Department budgets prior to the Claimant's hearing request and following, do in fact, indicate \$150 a month of medical expenses which was the amount indicated by the Claimant. The Department had completed a new budget in August 2009 which resulted in an increase when the Department removed income based upon the Claimant's reporting of the death of her ex husband. The Claimant was upset the Department notice of FAP benefits indicated her ex-husband had died on June 24, 2009 when he actually died April 25, 2009. The Department was in fact informed of his death by the Claimant on June 24, 2009. The Department completed new budgets as required and increased the Claimant's FAP benefits including issuing a supplement for the month of July 2009.

The Department has not taken any action resulting in the suspension, reduction, discontinuance, or termination of assistance.

Therefore this hearing is dismissed pursuant to MAC R 400.903(1). PAM 600.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/25/09

Date Mailed: 11/25/09

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 60 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.

JWO/dj

cc:

