

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: 2009-12202
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 8, 2009
Wayne 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 April 8, 2009. Claimant personally appeared and testified. The Department was represented by a family independence manager and a JET case manager.

ISSUE

Is Claimant entitled to a hearing when no negative action has been taken against her Family Independence Program (FIP) case 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 recipient.
- (2) In January 2009, Claimant received notice of a negative action against her case.

- (3) Claimant discussed the fact that she had a burn injury to one of her hands that had required surgery and an absence from JET for that reason. The Department worker removed the negative action on January 23, 2009.
- (4) Claimant felt harassed by the caseworker and believed she was being frequently threatened with negative action. Consequently, Claimant requested a hearing.
- (5) The Department received her hearing request on January 23, 2009. (Exhibit 1).

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.

Although the Department initiated a negative action in January 2009, the Department worker removed the negation on January 23, 2009 without any loss of benefits to Claimant. Therefore, Claimant's case has not been subjected to any negative action. Consequently, it is found that Claimant is not aggrieved by a Department action. Because 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 has not been aggrieved by any Department action and, therefore, Claimant's hearing request is DISMISSED.

/s/

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

Date Signed: 04/14/09

Date Mailed: 04/15/09

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 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 mailing 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.

TW/dj

cc:

[REDACTED]