

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: 2009-15140
Issue No: 1000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 16, 2009
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37; upon claimant's request for a hearing filed on February 9, 2009. After due notice, a hearing was held on April 16, 2009.

Claimant applied for Family Independence Program (FIP) on October 20, 2008. Claimant's FIP application was denied on November 5, 2008, with a notice stating "customer withdrew her application for cash assistance. Customer is in school and can't take time to attend Work First classes". Claimant requested a hearing on February 9, 2009, and attached a letter saying she attends college classes she cannot miss and is asking for an exception concerning receipt of benefits. Claimant further advised that she would be available to attend Work First after 2:30 pm on Mondays, Wednesday, and Fridays until Monday, December 15, 2008. Claimant further stated that she will also be available all day on November 26, 27, and 28.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of

benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

Department mailed the claimant the notice denying her FIP application on November 5, 2008. Claimant did not request a hearing until February 9, 2009, more than 90 days after the mailing of the notice. Claimant is therefore not entitled to a hearing on this issue.

Furthermore, the notice denying claimant's FIP application states that she withdrew her application as she cannot take time off from school to attend Work First classes. Such attendance is a requirement for all mandatory Work First/Jobs, Education and Training (WF/JET) clients, and a FIP application cannot be approved without a client first attending WF/JET. PEM 229. Claimant has the right to withdraw an application for assistance. However, even if claimant's hearing request was timely, this Administrative Law Judge could not find that the department erred in denying claimant's FIP application, as it was based on her own statement that she did not wish to pursue it if she had to go to WF/JET on days and hours that WF/JET classes/meetings are scheduled for every other FIP applicant that must report there. In addition, neither the department nor the Administrative Law Judge has the authority to make special exceptions to departmental policy and federal regulations to allow a particular client to attend mandatory WF/JET activities on the days and times they pick.

Claimant is indicating that she will be done with her school classes shortly for the summer, and was advised to re-apply for FIP, attend WF/JET, and provide the staff there with her college information, as such information may satisfy her WF/JET requirements so she can receive FIP and continue her education.

As the claimant's hearing request is untimely, it is HEREBY DISMISSED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 21, 2009

Date Mailed: April 22, 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 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.

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