

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: 2009-24241
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 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 July 8, 2009. Claimant personally appeared and testified. The Department was represented by 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) On May 13, 2009, the JET case manager sent Claimant a notice to report to Work First/JET on June 1, 2009.

- (3) Claimant did not attend JET on June 1, 2009 because she was already enrolled in a training program.
- (4) Claimant requested a hearing on May 22, 2009 because she was attending school 20 hours per week and was scheduled to graduate on [REDACTED], according to her hearing request. At that time, the Department had not taken any negative action against her case.
- (5) The Department received her hearing request on May 22, 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 had given Claimant notice to attend JET on June 1, 2009, Claimant's case has not been subjected to any negative action on May 22, 2009 when she requested this hearing because she had not failed to attend JET. Consequently, it is found that Claimant is not aggrieved by a Department action. The Department subsequently sent her a negative action notice. At this hearing, Claimant asserted an intention to respond to that negative action notice by requesting another hearing. Because Claimant was not aggrieved by any Department action by the time she requested this hearing, 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: 07/23/09

Date Mailed: 07/28/09

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

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cc:

