

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: 2009-7296

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 5, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on February 5, 2009. Claimant personally appeared and testified.

ISSUE

Did the claimant request a hearing in a timely manner on department's termination of her Family Independence Program (FIP) benefits?

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 was a FIP recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when the department determined she was in noncompliance with this program due to her failure to attend (Department's Exhibits #1 and 2).

2. Claimant was scheduled for a triage on July 21, 2008, to discuss her reasons for WF/JET noncompliance and was determined not to have good cause for this noncompliance. Claimant agreed to a compliance test to be completed by August 11, 2008 (Department's Exhibits #3-6).

3. Department determined that the claimant did not complete the compliance test as required and took action to terminate claimant's FIP benefits as of September 3, 2008. Claimant was notified of department's action 12 days prior to the effective date, as department pended the negative action (Department's Exhibit #7A).

4. Claimant's FIP benefits terminated on September 3, 2008. Claimant requested a hearing on December 4, 2008.

#### 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).

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.

Claimant did not file her hearing request within 90 days of the mailing of the negative action notice. Claimant therefore does not have a right to a hearing on the issue of September 3, 2008, FIP case closure.

It is noted that this Administrative Law Judge overlooked the fact that claimant's hearing request was untimely during the hearing. Hearing testimony and documentation indicated that the claimant's excuses for her WF/JET noncompliance are questionable. Furthermore, claimant was to provide additional evidence pertaining to her claim that she was told by WF/JET staff she did not need to complete a compliance test and did not need to report to WF/JET during her compliance week. Claimant failed to provide any such evidence. Therefore, it is apparent that the department was correct in terminating claimant's FIP benefits. Claimant is advised that participation in employment related activities, unless one is deferred from such, is a condition of FIP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant did not file her hearing request in a timely manner.

Accordingly, claimant's hearing request is DISMISSED, and it is SO ORDERED.

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

Date Signed: March 2, 2009

Date Mailed: March 2, 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.

IR [REDACTED]

cc: [REDACTED]