

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.: 2010 14177
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 17, 2010
Wayne County DHS 41

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, a telephone hearing was held on May 17, 2010. The Claimant appeared and testified on her own behalf. [REDACTED], FIM and [REDACTED] JET worker appeared on behalf of the Department.

ISSUE

Did the claimant timely request a hearing regarding the denial of her FIP application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On May 26, 2009 the Claimant applied for benefits including FIP benefits.

Exhibit 1

- (2) On June 8, 2009 the Department denied the Claimant's application for FIP benefits because the Department could not confirm the group size and composition. Exhibit 2
- (3) The Claimant filed a request for hearing on October 9, 2009 based upon the Department's denial of her application for FIP benefits for herself and her nephew. Exhibit 3
- (4) Claimant's request for hearing was after the 90 day timeliness standard.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any negative agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. Claimant's have 90 days from the date of the action to request a hearing.

However, claimant's hearing request specifically requested a hearing based upon a denial of FIP benefits issued by the Department in June 8, 2009. Claimant's hearing request was made over 90 days.

Due to the fact that the Claimant's request for hearing was made well after the 90 period for filing a hearing request, the request was untimely and must be dismissed. There is no case

for the Administrative Law Judge to consider. Claimant's FIP hearing request is untimely. Claimant's request for hearing must be dismissed for lack of jurisdiction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that there is no jurisdiction to hear a case as the Claimant's hearing request was untimely and must be dismissed.

Accordingly, this case is, hereby, DISMISSED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/21/2010

Date Mailed: 06/21/2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing. Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

LMF/cjp

cc:

