

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No. 201046195
Issue No. 1000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 9, 2010
Office: Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 9, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], [REDACTED], appeared and testified.

ISSUE

Whether Claimant timely requested a hearing concerning a termination of 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 an ongoing FIP recipient.
2. On 3/23/10, DHS sent a Notice of Case Action terminating Claimant's FIP benefits.
3. Claimant submitted a hearing request on 8/2/10 disputing the termination of her FIP benefits.

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 are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

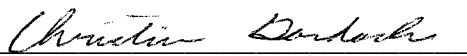
BAM 600 contains the DHS policy for administrative hearings including the client deadline to file a hearing request. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4.

In the present case, DHS mailed a Notice of Case Action (Exhibit 1) on 3/23/10 terminating claimant's FIP benefits. Claimant agreed that she received the Notice of Case Action. Claimant requested a hearing on 8/2/10, approximately 132 days following the mailing of the Notice of Case Action. Claimant's hearing request was filed more than 90 days following the Notice of Case Action. It is found that Claimant's hearing request disputing the termination of her FIP benefits exceeded the timeframe allowed by BAM 600. Claimant's hearing request is appropriately dismissed.

DECISION AND ORDER

Claimant's hearing request is DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely appeal the FIP benefit termination within 90 days.

/s/


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 22, 2010

Date Mailed: September 22, 2010

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.

201046195/CG

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.

CG/hw

cc:

