

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201127658
Issue No: 1000, 1052
Case No: [REDACTED]

Hearing Date:
May 11, 2011
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 1, 2011. After due notice, a telephone hearing was held on Wednesday, May 11, 2011.

According to Department policy, the Michigan Administrative Hearing System (MAHS) may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

The Claimant grievance does not fall into one of these categories, and there had been no Department negative action.

On February 25, 2011, the Claimant signed a Disqualification Consent Agreement (DHS-830), which indicated in plain language that if she signed the agreement form that she would be disqualified from participating in the Family Independence Program (FIP) and Food Assistance Program (FAP) programs for one year.

On March 29, 2011, the Department sent the Claimant notice that she had been disqualified from the Family Independence Program (FIP) and Food Assistance Program (FAP) as of May 1, 2011, and extending through April 30, 2012.

As a result of her agreement, the Claimant agreed to disqualification in order to waive prosecution or an administrative disqualification hearing. A hearing can only be granted if the reason for requesting a hearing is an incorrect computation of the reduction in your monthly benefits.

In this case, the Claimant did not dispute the repayment portion of the agreement, but indicated that the one-year disqualification will be a hardship on her family. The Claimant requested that the disqualification period be waived.

The claimant's request is not within the scope of authority delegated to this Administrative Law Judge. Administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies.

Therefore, claimant's hearing request is **HEREBY DISMISSED**, because SOAHR for the Department lacks jurisdiction to hear and decide the Claimant's issue.

DECISION AND ORDER

The Claimant's request is HEREBY DISMISSED, because SOAHR for the Department lacks jurisdiction to hear and decide the Claimant's issue.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 24, 2011

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/tg

cc:

