

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

CONSENT ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing filed on September 12, 2011. After due notice, a telephone hearing was held on October 18, 2011. Claimant personally appeared and provided testimony. [REDACTED], F.I.S. worker, represented the Department of Human Services ("Department").

The instant matter involved two issues: (1) whether the Department properly closed Claimant's Family Independence Program (FIP), also referred to as cash assistance, due to noncooperation with child support, and (2) whether the Department properly denied Claimant's application for Food Assistance Program (FAP) benefits.

With regard to the FIP question, the parties have reached an agreement prior to the closure of the hearing record. The Department representative who attended the hearing indicated that Claimant's noncooperation with child support was erroneous. According to the Department representative, a help desk ticket (#403921) has been requested to resolve the issue, but at the time of the hearing the problem had not been corrected.

The second issue concerns Claimant's challenge to the Department's denial of Claimant's FAP case. Prior to the closure of the hearing record, it was determined that Claimant's request for hearing was untimely. The Department denied Claimant's December, 2010 application and mailed a Notice of Case Action (DHS-1605) denying FAP benefits on January 4, 2011.

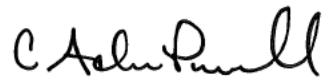
The regulations regarding the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Administrative Code (MAC) R 400.901 -951. Any hearing request which protests a denial, reduction or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

Here, the Department's negative action relative to Claimant's FAP was sent on January 4, 2011. Claimant's request for a hearing regarding FAP was filed (approximately 8

months later) on September 12, 2011. Claimant's request for hearing regarding her FAP benefits was filed more than 90 days after the negative action notice date. Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.902; 400.903 and 400.904, Claimant's hearing request is HEREBY DISMISSED, because the claimant's hearing request was not submitted timely.

The Department shall promptly remove the erroneous child support noncooperation notice, reinstate Claimant's FIP benefits back to the date of the case closure and issue any retroactive FIP benefits Claimant is eligible to receive. Claimant testified that she now understood the department's actions in this regard.

It is SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 10/25/11

Date Mailed: 10/25/11

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.

