

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

IN THE MATTER OF:

██████████ INS
██████████
██████████

Reg. No.: 201154733
Issue No.: 1080
Case No.: ██████████
Hearing Date: December 1, 2011
County: Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was commenced on December 1, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, ██████████. Participants on behalf of Department of Human Services (Department) included ██████████, Family Independence Manager, and Ms. ██████████, Family Independence Specialist.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(3), in pertinent part, states:

A hearing shall not be granted when either state or federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

See also Bridges Administrative Manual which articulates policies regarding the hearing process. The Michigan Administrative Hearing System will **not** grant a hearing regarding the issue of a mass update required by state or federal law **unless** the reason for the request is an issue of incorrect computation of program benefits or patient-pay amount. BAM 600.

In the instant case, the Claimant agreed that she has received 143 months of federally-funded Family Independence Program benefits, which means that she exceeded the federal 60 month lifetime limit. The Claimant disputed the action taken by the Department based on the fact that she is disabled. The Claimant stated that an application for SSI is currently pending.

The Department policy effective October 1, 2011 states that federally-funded countable months began to accrue for FIP on 10/1/1996. Counts accrued for every month a family received FIP, including months that met hardship criteria. As of 10/1/2011, no hardship criteria exists in Michigan.

Based on the above stated policy, despite the Claimant possibly meeting a hardship criteria, the federally-funded months of FIP benefits continued to accrue for 143 months, and those months do count towards the 60 month lifetime limit. Therefore, the evidence and testimony provided confirm that the Claimant is disputing action taken as a result of a change in law and policy that placed a lifetime limit on the receipt of assistance through the Family Independence Program. There are no other adjudicable issues raised. As there is no right to contest the change in law or policy, the Request for Hearing is DISMISSED.



Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/7/11

Date Mailed: 12/7/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,

- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

AJB/hw

cc:

