

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-10008
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: January 5, 2012
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

ORDER OF DISMISSAL – NO ADJUDICABLE ISSUE

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 hearing was conducted from Detroit, Michigan on Thursday, January 5, 2012. The Claimant appeared and testified. The Claimant was represented by [REDACTED] Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

42 USC 608(a)(7) provides that cash assistance is not available for more than 5 years. A State to which a grant is made under Title 42 shall not use any part of the grant to provide assistance to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government, for 60 months (whether or not consecutive) ... 42 USC 608(a)(7)(A). Federally funded countable months began to accrue for FIP on October 1, 1996. A family is ineligible when a mandatory member of the FIP group reaches the 60 month federal time limit. 42 USC 608(a)(7).

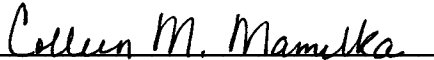
Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, Rules 400.901 through R 400.951. Rule 400.903(3), in pertinent part, states:

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 g

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 received federally funded cash assistance benefits for 65 months. The Claimant does not dispute the amount of time FIP benefits were received. The Claimant/Representative sought a continuance to establish that the Claimant meets an applicable exemption contained in BEM 234. Pursuant to policy, these State exemptions became effective October 1, 2011 thus would not impact the Claimant's State and/ or Federal count for the period prior to this date. Regardless, the Claimant's benefits were terminated for having exceeded the Federal time computation, not the State. 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.


Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 12, 2012

Date Mailed: January 12, 2012

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.

2012-10008/CMM

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

CMM/cl

cc:

