

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

IN THE MATTER OF:

LAVORA WOODSON
5919 BLUEHILL ST.
DETROIT, MI 48224

Reg. No.: 2012-11076
Issue No.: 1080
Case No.: 113296179
Hearing Date: December 21, 2011
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 telephone hearing was commenced on December 21, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager.

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 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 (FIP). BEM 245. There are no other adjudicable issues raised. Claimant admitted that she had received 108 months of federally-funded FIP benefits and had exceeded the 60-month lifetime limit for federally-funded FIP cases. Although Claimant indicated that she was disabled and a victim of domestic violence, there are no exemptions to the federal count for FIP cases except for an individual's receipt of state-funded FIP benefits. BEM 234. As there is no right to contest the change in law or policy, the Request for Hearing is DISMISSED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 28, 2011

Date Mailed: December 28, 2011

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

2012-11076

ACE/ctl

cc: [REDACTED]
Wayne County DHS (57)

A. [REDACTED]
Elkin
File