

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201215118
Issue No.: 1000; 2000; 3000
Case No.: [REDACTED]
Hearing Date: January 12, 2012
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

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 held on January 12, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist-Medical Contact Worker.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Mich Admin Code, R 400.901 through R 400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. Rule 400.903(1).

In the instant case, Claimant requested a hearing with respect to her Family Independence Program (FIP), Food Assistance Program (FAP) and Medical Assistance Program (MA) benefits based on a Medical Review Team (MRT) finding that she was not disabled. At the hearing, however, the Department testified that Claimant's FIP and MA benefits had been ongoing since July 1, 2010; her FAP benefits had been ongoing since July 1, 2007; there had been no disruption in benefits since the cases were opened; and there was no notice of case action sent by the Department indicating that any of those program benefits were being reduced, closed or terminated. While Claimant was concerned about the MRT finding that she was not disabled and not entitled to a deferral from participating in employment-related activities, the fact that a deferral is not granted is **not** a loss of benefits, termination or negative action. BEM

2012-15118/ACE

230A. Claimant conceded she had not received a Notice of Case Action from the Department concerning her FIP, FAP or MA cases prior to filing her November 23, 2011, Request for Hearing. Because the Department has not suspended, reduced, discontinued, or terminated Claimant's FIP, FAP or MA benefits, this Administrative Law Judge has no jurisdiction over this matter.

Based on the above discussion, it is ORDERED that this Request for Hearing is DISMISSED.



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

Date Signed: January 19, 2012

Date Mailed: January 19, 2012

NOTICE: 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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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2012-15118/ACE

cc:

[REDACTED]