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

IN THE MATTER OF:



 Reg. No.:
 2012-7938

 Issue No.:
 1080

 Case No.:
 January 5, 2012

 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 Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a hearing was conducted from Detroit, Mi chigan on T hursday, January 5, 2012. The Claimant appeared and testified. The Cl aimant was represented by

Pa rticipating on behalf of the Department of Human Services ("Department") was

42 USC 608(a)(7) provides that cash assist ance is not available for more than 5 y ears. A State to which a grant is ma de under Tit le 42 shall not us e 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 attr ibutable 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 FI P group reaches the 60 month h federal time limit. 42 USC 608(a)(7).

Regulations governing the hearing and appeal process for applicants and r ecipients of public assistance in Michigan are found in Mich Admin Co de, 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 Admini strative Hearing System will **not** grant a hearin 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 com putation of program b enefits or patient-pay amount. BAM 600.

In the instant case, the Claimant received federally funded c ash assist ance for 90 months. The Claimant does not dispute the amount of time FIP benefits were received. The evidence and testimony provided confirm that the Claimant is disputing action taken as a result of a change in la w and policy that plac ed a lifetime limit on the receipt o f assistance through the Family Independence Pr ogram. There are no other adjudicable issues raised. As there is no right to c ontest the change in law or policy, the Request for Hearing is DISMISSED.

Colleen M. Mamilka

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 Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> 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

2012-7938/CMM

CMM/cl

CC: