

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201260353
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: September 26, 2012
County: Bay

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

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, an in-person hearing was held on September 26, 2012, from Bay, Michigan. Participants on behalf of Claimant included Claimant and his authorized representative [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED], ES, [REDACTED], LTC ES and [REDACTED], FIM.

ISSUE

Did the parties fail to act in accordance with the Interim Order extending the record?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The hearing summary indicates that on 6/22/12 the DHS took action.
2. The hearing summary indicates that on 6/22/12 Claimant filed a hearing request.
3. On 9/26/12 an in-person administrative hearing was held. At that hearing, the individual representing the DHS could not proceed on the case as she did not have knowledge of the policy. [REDACTED], FIM, entered the hearing and indicated that the DHS should have contacted the SSI advocate. [REDACTED] indicated that she would personally arrange for and supervise this case for follow-up.

4. On 10/12/12 an Interim Order was issued indicating that [REDACTED], FIM, would supervise the work in communicating with the SSI advocate and communicate with the undersigned Administrative Law Judge (ALJ) with 45 days of the date the Interim Order.
5. Neither the County nor the representative contacted the undersigned ALJ regarding the status of this case.
6. On 3/5/13 [REDACTED] contacted the local office regarding the status of this case. Evidently, [REDACTED] was unable to speak with [REDACTED] but spoke with [REDACTED] who indicated that he would follow-up with this case. [REDACTED] did not follow-up on the case.
7. The undersigned ALJ contact [REDACTED] on 4/19/13 and did not receive a response from [REDACTED] as to the status of this case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human

Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Pursuant to MAC R 400.906 and the issues and considerations under the Michigan Administrative Procedures Act 24.285, the undersigned ALJ finds that the failure of the parties to proceed with the instructions of the Interim Order, and the failure of the individuals at the local offices as well as MAHS to communicate with the undersigned ALJ requires that this case be dismissed. It is noted that the undersigned ALJ has received a strong directive not to communicate with local offices on both procedural and substantive issues.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, dismisses this case.

/s/

Janice G. Spodarek
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/26/13

Date Mailed: 5/1/13

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

JGS/tb

cc:

