

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

IN THE MATTER OF:

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Reg. No.: 14-002206
Issue No.: 3000
Case No.: ██████████
Hearing Date: June 12, 2014
County: DHS SSPC-EAST

ADMINISTRATIVE LAW JUDGE: Eric Feldman

ORDER OF DISMISSAL

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 to 99.33, and 45 CFR 205.10. After due notice, a three-way telephone hearing was held on June 12, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████ Department Manager; and ██████████, Assistance Payment Worker.

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(1) provides as follows:

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.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Mich Admin Code, R 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (March 2014), p. 6, provides in relevant part as follows:

The client or authorized hearing representative has 90 *calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In this case, on April 25, 2014, Claimant applied for FAP benefits. See Exhibit 1, p. 1. On April 25, 2014, the Department conducted a telephone FAP interview with the

Claimant. See Exhibit 1, p. 5. On April 25, 2014, the Department sent Claimant a Verification Checklist (VCL), which requested employment, loss of employment, donation or contribution from an individual outside the group, home rent, and a checking account verifications. See Exhibit 1, pp. 7-16. All verification was due back by May 5, 2014. See Exhibit 1, p. 7

Before the due date, the Department testified that it received all verifications with the exception of the loss of employment and donation or contribution from an individual outside the group. See Exhibit 1, pp. 17-21. Thus, on May 8, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective April 25, 2014, ongoing, due to her failure to provide the loss of employment and statement from individual making donation to client. See Exhibit 1, pp. 22-23. During the hearing, Claimant testified that she did submit verification of the loss of employment, which consisted of her last pay stub before the due date. Nevertheless, on May 15, 2014, Claimant filed a hearing request, protesting her FAP denial. See Exhibit 1, p. 39. It should be noted that the hearing request referenced the Notice of Case Action sent on May 8, 2014. See Exhibit 1, p. 39.

Additionally, Claimant included with the hearing request the remaining verifications requested. See Exhibit 1, pp. 27-28. It should be noted that Claimant acknowledged that she provided verification of the statement from individual making donation to client on May 15, 2014. See Exhibit 1, p. 27. Because the Department received the remaining verifications, it reinstated her FAP application on May 16, 2014. See Exhibit 1, p. 1. On May 16, 2014, the Department sent Claimant another Notice of Case Action notifying her that her FAP benefits were denied from April 25, 2014 to April 30, 2014 due to her gross income exceeding the limits. See Exhibit 1, pp. 33-34. Also, the Notice of Case Action notified her that FAP benefits were approved for May 1, 2014, ongoing, in the amount of \$15. See Exhibit 1, pp. 33-35. Claimant testified that she was disputing the FAP budget and amounts.

Based on the foregoing information and evidence, this hearing lacks the jurisdiction to address Claimant's FAP issue because of the Department's subsequent actions. First, Claimant disputed that she did submit verification of the loss of employment before the VCL due date. However, Claimant acknowledged that she did provide verification of the statement from individual making donation to client on May 15, 2014. See Exhibit 1, p. 27. Nonetheless, the Department reprocessed Claimant's FAP application back to the application date (April 25, 2014) because it received all the verifications. Upon reprocessing the application, the Department denied the application partially due to gross income and approved it for \$15 effective May 1, 2014. In essence, Claimant's FAP hearing request disputing the VCL issue is now moot because the Department received all the necessary verifications and reprocessed the application.

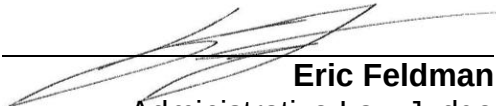
Finally, upon reprocessing Claimant's application, it sent a new Notice of Case Action dated May 16, 2014. See Exhibit 1, pp. 33-35. Claimant's dispute with the denial based on gross income and FAP allotment for May 1, 2014 cannot be addressed in this

hearing to due lack of jurisdiction. The Notice of Case Action dated May 16, 2014, occurred after Claimant's hearing request dated May 15, 2014. See Exhibit 1, pp. 33-39. Thus, this hearing lacks the jurisdiction to address the new notice of case action and Claimant can request another hearing to dispute the FAP allotment and/or denial due to gross income. See BAM 600, pp. 4-6.

In summary, Claimant's FAP hearing request disputing the VCL issue is now moot because the Department received all the necessary verifications and reprocessed the application. As such, Claimant's FAP hearing request (dated May 15, 2014) is **DISMISSED**. See BAM 600, pp. 4-6. Claimant can request another hearing disputing the subsequent action (e.g., Notice of Case Action dated May 16, 2014).

IT IS ORDERED that Claimant's FAP hearing request (dated May 15, 2014) is **DISMISSED**.

IT IS SO ORDERED.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/18/2014**

Date Mailed: **6/18/2014**

EJF/cl

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County.

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]