

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

IN THE MATTER OF:



Reg. No.: 14-005492
14-005492 REHD/RECON
Issue No.: 1000, 2001, 3008
Case No.: [REDACTED]
Hearing Date: August 20, 2014
County: Wayne (19-Inkster)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER OF RECONSIDERATION/REHEARING

This matter is before the undersigned Administrative Law Judge pursuant to Claimant's timely Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on August 20, 2014, and mailed on September 3, 2014, in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 400.919, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600, which provide that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program that is the basis for the claimant's benefits application, and **may** be granted so long as the reasons for which the request is made comply with the policy and statutory requirements.

Following a preliminary review of this matter, an Order Granting Reconsideration was mailed on November 10, 2014.

ISSUE

Whether the ALJ erred in failing to address Claimant's issues related to Family Independence Program (FIP), or cash assistance, benefits.

FINDINGS OF FACT

Upon a review of the entire hearing record, including the recorded testimony and evidence admitted, in addition to a review of the applicable law and policy governing the issues in this matter, this Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Findings of Fact Numbers 1-4 under Registration Number 14-005492 & 14-007591 are incorporated by reference.
2. On August 20, 2014, a hearing was held resulting in a Hearing Decision mailed on September 3, 2014.
3. On October 3, 2014, the Michigan Administrative Hearing System (MAHS) received the Claimant's Request for Rehearing/Reconsideration.
4. On December 4, 2014, the Request for Rehearing/Reconsideration was granted.

CONCLUSIONS OF LAW

As part of the reconsideration process, the undersigned conducted a review of the case hearing record (which included all admitted exhibits and recorded testimony), as well as applicable statutory and policy provisions. In the instant case, Claimant initially requested a hearing concerning Medicaid, Food Assistance and Family Independence Program benefits. Here, Claimant requested rehearing/reconsideration asserting that the ALJ failed to accurately address all the relevant issues raised in the hearing request. During a review of the digital recorded hearing, the undersigned finds that Claimant requested a hearing to pursue an increase in her FIP or cash assistance benefits. The assigned ALJ failed to address this issue during the hearing. Accordingly, a review of the original hearing record concerning a possible increase in Claimant's FIP benefits is not possible. Because the original hearing record is inadequate for purposes of judicial review, MCL 24.287 provides that a rehearing shall be necessary. Accordingly, the Hearing Decision mailed on September 3, 2014 is **VACATED** and the Request for Rehearing is **GRANTED** pursuant to MCL 24.287.

A Notice of Hearing will be mailed as soon as the hearing is scheduled.

DECISION AND ORDER

THEREFORE IT IS ORDERED that a new hearing in this matter shall be scheduled and a Notice of Hearing shall be sent to all identified parties and authorized representatives.

IT IS FURTHER ORDERED that this hearing will be a *de novo* hearing meaning all evidence and testimony will be considered for first time by the assigned Administrative Law Judge.

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IT IS SO ORDERED.



Aaron McClintic
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: January 12, 2015

Date Mailed: January 12, 2015

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

AM/las

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