

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-012193
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: October 22, 2014
County: Monroe

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 400.37; 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 telephone hearing was held on October 22, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Claimant raise an issue that had not already been addressed by a previous hearing?

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 Claimant was an ongoing Family Independence Program (FIP) recipient until September 1, 2014.
2. On July 21, 2014, the Department notified the Claimant that it would sanction her FIP benefits.
3. The Claimant requested a hearing protesting the sanctioning of her FIP benefits.
4. On June 27, 2014, the Claimant was sent a Notice of Hearing.
5. On August 6, 2014, the Claimant failed to attend her hearing.
6. On September 1, 2014, the Claimant requested a hearing, again protesting the sanctioning of her FIP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).


The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Claimant requested a hearing protesting the sanctioning of her Family Independence Program (FIP) benefits, and a hearing was scheduled for August 6, 2014. The Claimant did not attend this hearing, and her case was dismissed. On September 1, 2014, the Claimant requested another hearing, again protesting the sanction of her FIP benefits.

Since the Claimant has already been granted a hearing to protest the actions taken by the Department she is not entitled to a second hearing on the same issue.

The issue presented here is similar of the doctrines of collateral estoppel and res judicata. Under Michigan law, these doctrines prevent parties from bringing an action or raising an issue that was previously decided by a court in a final judgment. Because Claimant's issues have already been addressed and resulting in the dismissal of her request for a hearing, the undersigned does not have jurisdiction to hear the issue and there is no longer a pending dispute in this matter for the Administrative Law Judge to decide. Pursuant to Mich Admin Code R 400.906 and R 400.903, the claimant's hearing request is **HEREBY DISMISSED**.

It is **SO ORDERED**.



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/23/2014**

Date Mailed: **10/23/2014**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

cc:

