

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-25974
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: March 6, 2014
County: Genesee – 02

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

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 March 6, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED], PATH Coordinator [REDACTED], and Triage Specialist [REDACTED].

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) due failure to participate in employment and/or self-sufficiency related activities?

FINDINGS OF FACT

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

1. On December 10, 2013, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for December 18, 2013.
2. On December 18, 2013, Claimant participated in the triage meeting. The Department determined there was not good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
3. On December 18, 2013, Claimant submitted a request for a local evidentiary hearing.
4. On January 13, 2014, Claimant did not appear for the scheduled, local evidentiary hearing on this issue.
5. On January 14, 2014, an Order of Dismissal was sent to Claimant.

6. On February 6, 2014, Claimant submitted this request for hearing.

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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

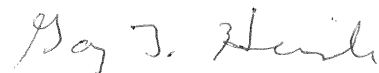
The February 6, 2014, request for hearing under this register number, concerns the exact same issues she requested a hearing for on December 18, 2013. The issues were scheduled for hearing on January 13, 2014, but Claimant did not appear for that hearing and the December 18, 2013, request for hearing was dismissed.

Claimant does not dispute that she failed to appear for the January 13, 2014, local evidentiary hearing. The issue of Claimant's failure to participate in employment and/or self-sufficiency related activities may not be adjudicated unless the January 13, 2014, Order of Dismissal is vacated. Claimant was informed that she has a right to request that the order be vacated. However, that request cannot be entertained at this scheduled proceeding.

DECISION AND ORDER

No jurisdiction exists to adjudicate Claimant's grievance over the employment related sanction imposed on her Family Independence Program (FIP). Neither can Claimant's request for the January 13, 2014, Order of Dismissal be addressed in this proceeding.

Therefore, Claimant's February 6, 2014, request for hearing is **DISMISSED** for lack of jurisdiction.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2014

Date Mailed: March 14, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

GFH/nk

cc:

