

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-016482
Issue No.: 1000
Agency Case No.: [REDACTED]
Hearing Date: November 25, 2015
County: GENESEE-UNION ST

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

ORDER OF DISMISSAL DUE TO LACK OF JURISDICTION

This matter is before the Michigan Administrative Hearing System upon Petitioner's request for hearing made pursuant to MCL 400.9 and MCL 400.37, and Titles 7, 42, and 45 of the Code of Federal Regulations, which govern the administrative hearing and appeal process. After due notice, an in-person hearing was commenced on November 25, 2015, from [REDACTED] [REDACTED]. The Petitioner, [REDACTED], appeared and testified on his behalf. The Department was represented by Eligibility Specialist, [REDACTED], Family Independence Manager, [REDACTED]; PATH Worker, [REDACTED] and PATH Coordinator, [REDACTED].

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. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (2015), 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 the present case, the Claimant is protesting the Department's Medical Review Team's (MRT) determination that he is work ready with limitations and can therefore participate in work related activities as a condition of his eligibility for Family Independence Program (FIP) benefits. The Claimant asserts that he cannot work due to his disability.

The Claimant was informed that there is no provision in departmental policy which allows for the Administrative Law Judge to revisit a determination of the MRT when the Department refuses to defer due to disability. Indeed, Bridges Eligibility Manual (BEM) 230A p. 20, provides that when a deferral is not granted, it is not a loss of benefits, termination or negative action. The policy instructs workers that, when a client requests a hearing based on not being granted a deferral, to be sure to advise the client at the pre-hearing conference and use the DHS-3050, Hearing Summary, to inform the Administrative Law Judge the action did not result in a loss of benefits or services. The worker is to be sure the client understands that the time to file a hearing is once he receives a notice of case action for noncompliance. In this case, the Claimant testified that he has, since this hearing request, received a notice of non-compliance and he did request a hearing on that issue.

As there has been no negative action in this case, the hearing request is therefore, **DISMISSED** for lack of jurisdiction. BAM 600, p. 5.

IT IS SO ORDERED.



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **12/1/2015**

SEH/nr

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

cc:

