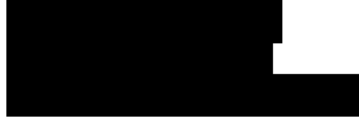


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:



MAHS Reg. No.: 15-023658
Issue No.: 1008
Agency Case No.: [REDACTED]
Hearing Date: February 23, 2016
County: Oakland-District 3

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 23, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department was represented by [REDACTED].

ISSUE

Did the Respondent properly deny Petitioners application for Family Independence Program benefits?

FINDINGS OF FACT

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

1. Petitioner applied for Family Independence Program benefits on November 24, 2015.
2. The Respondent denied Petitioner's application for Family Independence Program benefits on November 24, 2015 because Petitioner had received a third sanction for failure to participate in employment or self-sufficiency related activities on November 24, 2014.
3. Petitioner requested hearing on December 1, 2015, contesting the denial of Family Independence Program benefits.
4. Notice of Noncompliance was sent to Petitioner on November 24, 2014, informing her that her FIP case would close effective January 1, 2015. (Department ex.1, p.14)
5. The Department provided a Benefit Summary Inquiry showing Petitioner last received FIP benefits in December 2014.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

Deadlines for Requesting a Hearing All Programs

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600(October 2014)

In this case, Petitioner applied for FIP benefits on November 24, 2015. The Department denied that application because Petitioner had received a third sanction for failure to participate in employment or self-sufficiency related activities on November 24, 2014. Petitioner testified that she continued to receive FIP benefits throughout 2015 and only requested a hearing when her FIP benefits closed in November 2015. The Department provided a benefit summary showing Petitioner had not received FIP benefits since December 2014. Petitioner's hearing request as it pertains to the December 2014 Department actions is untimely. Petitioner was given an opportunity to provide documentation supporting her position but none was received.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's application for Family Independence Program benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Mailed: **3/3/2016**

AM/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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

