



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 7, 2016
MAHS Docket No.: 16-002460
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 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, an in-person hearing was held on April 6, 2016, from Sterling Heights, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service. BAM 600, (October 1, 2015) p.1

The department, Office of the Attorney General, MDE, client or AHR may file a written request for rehearing/reconsideration. Request a rehearing/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 department, the Office of the Attorney General, the client or AHR must specify all reasons for the request.

All Requests

A request must be received by MAHS within 30 days of the date the hearing decision is mailed. BAM 600 p. 43 -45

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or Authorized Hearing Representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), p. 1. Moreover, BAM 600, p. 43 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. However, in this case the present request for hearing filed by Petitioner seeks a rehearing of a Decision and Order dated June 1, 2012, which decided the same issue previously determined at a prior hearing held on May 30, 2012.

In the present case, the Department sent Petitioner a Notice of Case Action on February 7, 2012, effective March 1, 2012, notifying the Petitioner of the Department's lifetime disqualification of Petitioner from receipt of FIP cash assistance due to receiving a 3rd sanction for failure to participate in Work First and the Path program.

Thereafter, after a hearing, a Hearing Decision was issued by Administrative Law Judge Carmen Fahie, Registration Number 2012-48994, that Affirmed the Department's action in Petitioner's case finding the Department properly issued a 3rd sanction and lifetime disqualification of Petitioner regarding receipt of FIP benefits. The Hearing Decision was dated June 1, 2012.

Thereafter, an Order of Dismissal, Registration Number 2012-60442, was issued by Administrative Law Judge Corey Arendt. The Order dated August 1, 2012, dismissed the Petitioner's second hearing request regarding the same issue decided in Judge Fahie's Hearing Decision due to lack of jurisdiction as the matter had previously been determined.

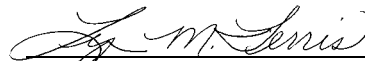
An Order Denying Request to Vacate ALJ Arendt's Order of Dismissal dated October 12, 2012, was issued by Supervising Administrative Law Judge Marya A. Nelson-Davis.

Pursuant to hearing request in the instant case, dated February 22, 2016, the Petitioner again seeks a hearing regarding her disqualification from receipt of FIP benefits due to a lifetime disqualification.

The Department's Notice of Case Action to Petitioner was dated February 7, 2012; and subsequent Hearing Decisions outlined above preclude any further consideration of the issue of whether the Department properly imposed a lifetime disqualification of Petitioner from receiving FIP benefits due to receiving three (3) sanctions for failure to comply with work first and/or Partnership.Accountability.Training.HOPE. (PATH) requirements. As the current hearing request dated February 22, 2016, seeks a further review of ALJ Fahie's Hearing Decision dated March 1, 2012, Petitioner's current hearing request must be denied and dismissed for the reason that Petitioner failed to seek a rehearing of ALJ Judge Fahie's Hearing Decision within the 30-day time for appeal for rehearing or file an appeal of the Decision and Order to the Circuit Court. Thus, it is determined that the March 1, 2012, Hearing Decision is final. Therefore, the current hearing request, is hereby **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]