



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 18, 2016
MAHS Docket No.: 16-013159
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

**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, a three-way telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was represented by [REDACTED] (Petitioner). The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator. [REDACTED], Lead Worker from the Office of Child Support (OCS), was also present for the hearing.

In the present case, Petitioner requested a hearing on [REDACTED], to dispute her Food Assistance Program (FAP) and Family Independence Program (FIP) benefits. Exhibit A, pp. 1-4. The undersigned Administrative Law Judge (ALJ) addresses each program separately below:

FAP benefits

First, Petitioner requested a hearing to dispute her FAP benefits. Exhibit A, pp. 1-4. However, Petitioner indicated that she was no longer disputing her FAP benefits as the issue had been resolved. As such, Petitioner's FAP hearing request is DISMISSED.

FIP benefits

Second, Petitioner also requested a hearing to dispute her FIP benefits. Exhibit A, pp. 1-4. However, after a thorough review of the evidence record and testimony by both parties, the undersigned ALJ lacks the jurisdiction to address Petitioner's dispute with her FIP benefits.

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.

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 2015), p. 2. Moreover, BAM 600, p. 6, 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.

In this case, on [REDACTED], the Department sent Petitioner a Notice of Case Action notifying her that her Cash program application (FIP) was denied effective [REDACTED], ongoing, because she failed to cooperate with OCS. Exhibit A, pp. 5-6. However, Petitioner did not file a request for hearing to contest the Department's action until [REDACTED]. Exhibit A, pp. 1-4. Petitioner's hearing request was not timely filed within 90 days of the Notice of Case Action and is, therefore, DISMISSED for lack of jurisdiction. BAM 600, pp. 1-6.

Furthermore, it was discovered that Petitioner reapplied for FIP benefits on [REDACTED] and again, the Department denied the application. On [REDACTED] the Department sent Petitioner a Notice of Case Action notifying her FIP application was denied. The undersigned ALJ also lacks the jurisdiction to address the subsequent denial because it occurred after Petitioner's hearing request. See BAM 600, pp. 1-6. Petitioner can request another hearing to dispute the subsequent FIP denial. See BAM 600, p. 6, (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).

NOW, THEREFORE, IT IS ORDERED that Petitioner's FAP and FIP hearing request (dated [REDACTED]) is **DISMISSED** for the above-stated reasons.

EJF/jaf



Eric J. Feldman
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.

DHHS

[REDACTED]

Department Representative

[REDACTED]

Petitioner

[REDACTED]

Via email

[REDACTED]