



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ORLENE HAWKS  
DIRECTOR

February 28, 2019

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Docket Nos. 18-010585 and 18-013039

Dear [REDACTED]

The Michigan Administrative Hearing System (MAHS) received your faxed letter on February 15, 2019 concerning the hearings you had on January 9, 2018 before Administrative Law Judge (ALJ) [REDACTED]. Statements in your letter that you disagree with ALJ [REDACTED] findings have been forwarded to ALJ [REDACTED] to assess whether you have established a basis for rehearing or reconsideration of your matter. The additional concerns you express in your letter, that ALJ [REDACTED] did not give you an opportunity to present your case, including evidence that you had accumulated since September 3, 2018, and that he was biased in favor of the Department of Health and Human Services, have been brought to my attention to address as ALJ [REDACTED] supervisor.

A review of the MAHS records in this matter shows that you had two hearings with ALJ [REDACTED] on January 9, 2019, the first hearing under MAHS docket no. 18-010585 and the second hearing under MAHS docket no. 18-013039. After receiving your complaint, I reviewed the complete record in both cases, including the recordings of the hearings, the exhibits, and the decisions issued in both cases.

A review of the hearing in docket no. 18-010585 shows that the only dispute remaining from your October 8, 2018 hearing request concerned your disqualification from your Food Assistance Program (FAP) group due to your failure to cooperate with the Office of Child Support's requests for information concerning your youngest child's father. At the hearing you admitted that you knew the identity of the child's father and had elected not to disclose this information to the Department. At the end of the hearing, ALJ [REDACTED] twice asked if you had anything further to add and you stated you did not. In the decision issued in connection with this hearing, ALJ [REDACTED] concluded that, based on your admission, the Department properly excluded you from your FAP group due to noncooperation with child support reporting obligations and issued benefits on behalf of only your four children in the home.

The hearing in docket no. 18-013039 was in response to your hearing request disputing the Department's subsequent closure of your FAP case for failure to verify financial contributions by your youngest child's father to your household. A review of the hearing recording in that matter shows that fully half of the 22-minute hearing was devoted to you asking questions and presenting your case. Although ALJ [REDACTED] asked you not to interrupt the Department's witness during the Department's presentation, once the Department completed its presentation, he gave you a full opportunity to ask the Department representative any questions you had and to present your case. Although ALJ [REDACTED] limited your testimony concerning actions before November 2018, he explained that those facts had already been addressed in your hearing under docket no. 18-010585 and were not relevant to the matter presented concerning the subsequent closure of your FAP case for failure to submit requested verification of unearned income. In the hearing decision under docket no. 18-013039, ALJ [REDACTED] found that the Department had properly closed your FAP case for failure to verify income where you had disclosed that your child's father had made financial contributions to you, you were aware that the Department was requesting verification of these contributions, and you had failed to provide such verification prior to case closure.

MAHS strives to provide fair hearings to all parties at a hearing. After reviewing the records in this matter, I have concluded that ALJ [REDACTED] was thorough and gave both parties a full opportunity to present their cases and to admit documents into evidence in both cases. The decisions were likewise thorough and address the reasons for your disqualification from your FAP group and the subsequent closure of your FAP case due to your failure to provide verification of income your household received from your child's father. Those reasons are supported by Department policy. There is no support for your allegations that ALJ [REDACTED] was biased in the Department's favor or that he denied you a fair hearing.

I appreciate you sharing your concerns with MAHS and having provided our organization the opportunity to respond.

Sincerely,



Alice C. Elkin  
Supervising Administrative Law Judge  
Benefits Services Division  
Michigan Administrative Hearing System

ACE/tm

cc: Lisa Gigliotti, Director  
Michigan Administrative Hearing System,  
Benefit Services Division