



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: December 20, 2019
MOAHR Docket No.: 19-012321
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held on December 18, 2019, from Lansing, Michigan. Petitioner appeared unrepresented. [REDACTED] appeared as a witness. The Department of Health and Human Services (Department) was represented by Jamie Titus, ES Worker, and Maia Elvine-Fair, APS.

ISSUE

Did Petitioner articulate a hearable issue?

FINDINGS OF FACT

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

1. On November 4, 2019, Petitioner filed a hearing request regarding the conduct of a state employee.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The

Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The purview of an Administrative Law Judge is to review the Department's action, and, to make a determination if the evidence of record supports that action taken by the Department. After the Department meets its burden of going forward, Petitioner has burden of proof to show that the action is not support by the evidence and is contrary to law or policy.

Applicable policy to the case herein is found at BAM 600; 7 CFR 273.15; 273.16.

In this case, Petitioner filed a hearing request to file a complaint regarding her worker. At the administrative hearing, Petitioner also requested that the undersigned review action(s) taken by the Department subsequent to her hearing request.

Here there was no action to review. Administrative Law Judges (ALJs) have no jurisdiction to review the conduct of state employees. Nor do ALJs have jurisdiction to review case actions that take place after a request for hearing is filed. Petitioner has a right to a hearing on any Notice of Case Action, as indicated in the notice. Here there was none.

Here, Petitioner seemed to have many questions and issue, but failed to articulate a hearable issue. As such, there is nothing to make a substantive review or ruling. Thus, Petitioner's hearing request is dismissed.

DECISION AND ORDER

Accordingly, Petitioner's November 4, 2019 hearing request is dismissed.

JS/ml



Janice Spodarek
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Courtney Jenkins
22 Center Street
Ypsilanti, MI 48198

Washtenaw (20) County DHHS – Via
Electronic Mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]