



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 4, 2020
MOAHR Docket No.: 20-002136
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

ORDER OF DISMISSAL

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, 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 telephone hearing was held on June 1, 2020, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Kyle Williams, Assistance Payments Supervisor.

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, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (January 2020), pp.1-2. Moreover, BAM 600, pp.6-7 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. MAHS may grant a hearing about a denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or termination of program benefits or service; restrictions under which benefits or services

are provided or delay of any action beyond the standards of promptness. BAM 600, pp.4-6.

In the present case, Petitioner requested a hearing to dispute the Department's actions with respect to her Food Assistance Program (FAP) and Medical Assistance (MA) cases. In her request for hearing, Petitioner references an August 2019 request she made to the Department to remove her adult son from her FAP and MA group, as they do not purchase and prepare food together. At the hearing, the Department testified, and Petitioner confirmed that the issues with respect to her FAP and MA cases have been resolved, as she was issued a FAP supplement and she has active and ongoing MA benefits. An eligibility summary verifying the same was presented by the Department for review. While Petitioner confirmed that there was no longer any issue with her own FAP and MA cases, she asserted that her adult son had still not received any FAP or MA benefits on his own cases. Petitioner was advised that because her adult son was no longer an eligible household group member of hers and she was not his AHR, the hearing could not proceed with respect to her son's cases. Petitioner was informed that her adult son was entitled to submit a new application for FAP/MA benefits or request a hearing if there was any negative action taken on his cases, as she did not have the authority to act on his behalf for the current hearing.

The evidence presented established that prior to the hearing, the Department corrected the action that Petitioner requested a hearing to dispute with respect to her own FAP and MA benefits. Therefore, there remains no issue left to be resolved with respect to Petitioner's [REDACTED], 2020 request for hearing. As such, Petitioner's hearing request is **DISMISSED**.

IT IS SO ORDERED.

ZB/tm



Zainab A. Baydoun
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 Administrative Hearings and Rules.

DHHS

Tara Roland 82-17
8655 Greenfield
Detroit, MI
48228

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

cc: FAP: M. Holden; D. Sweeney
AP Specialist-Wayne County