



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], MI [REDACTED]

Date Mailed: June 25, 2020
MOAHR Docket No.: 20-003180
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on June 17, 2020, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Amber Gibson.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), pp 6-7.

Petitioner was an ongoing cash assistance recipient on October 21, 2019, when the Department notified her that she had been found to be noncompliant with Partnership. Accountability. Training. Hope. (PATH) requirements. Petitioner's cash assistance closed effective December 1, 2020.

On April 6, 2020, the Department received Petitioner's request for a hearing protesting the denial of cash assistance. Petitioner is not entitled to a hearing protesting the closure of her cash assistance effective December 1, 2020, because her request for a hearing was not received within 90 days of the mailing date of the closure.

On November 8, 2020, a member of Petitioner's household was approved for cash assistance in error, and she was not eligible for those benefits due to the noncompliance sanction. On March 6, 2020, the Department closed those benefits. Petitioner has no entitlement to benefits that she is not eligible for, and she is no longer entitled to dispute the PATH noncompliance sanction.

Therefore, Petitioner is not entitled to a hearing with respect to her eligibility for cash assistance and the PATH noncompliance sanction as of December 1, 2019.

On December 6, 2020, the Department sent Petitioner a Notice of Overissuance (DHS-4358) instructing her that she had received a \$334 overissuance of cash assistance in November of 2019. Petitioner's request for a hearing was received within 90 days of the mailing of that notice.

However, the Department's representative conceded that the December 6, 2020, Notice of Overissuance was not correct, and that there was no overissuance of cash assistance in November of 2019.

Therefore, the Department's December 6, 2020, Notice of Overissuance is therefore reversed.

DECISION AND ORDER

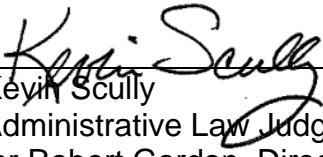
Petitioner's hearing request is therefore **DISMISSED** for lack of jurisdiction with respect to the October 21, 2019, noncompliance sanction.

Accordingly, the Department's December 6, 2020, Notice of Overissuance is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Delete the December 6, 2020, overissuance from Petitioner's benefits file and cease any recoupment action related to that notice.

KS/nr



Kevin Scully
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

Amber Gibson
5303 South Cedar
P.O. Box 30088
Lansing, MI
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

H. Norfleet- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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