



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 25, 2024
MOAHR Docket No.: 24-007190
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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, 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 July 27, 2023. Adam Muhidin, husband, Represented the Petitioner. The Department of Health and Human Services (Department) was represented by Larissa Cochran, Family Independence Specialist (FIS) and Becky Fraser, Family Independence Manager (FIM). Interpreter number 7880 provided interpretation services.

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 (June 1, 2024), p. 2. Moreover, BAM 600, 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. BAM 600, p. 6.

In the present case, Petitioner filed a hearing request on June 17, 2024 contesting a having to sign a repayment agreement because she is a recipient of Family Independence Program (FIP) benefits. Pursuant to BEM 272, state-funded FIP and SDA clients must

sign an agreement to repay interim assistance when pursuing a potential benefit. BEM 272, January 1, 2018, p. 1. Disagreement with having to sign a repayment agreement is not an issue that can be reviewed at an administrative hearing. There is no authority for an Administrative Law Judge to change or make exceptions to Department policy.

Petitioner's husband indicated they had received notices of case action indicating a closure and approval of FIP benefits. (Husband Testimony). The Department confirmed that on June █ 2024, a written denial notice was issued. However, the case has been corrected and benefits were reinstated. (Department Testimony). Accordingly, there is no longer a denial action to review. Therefore, there is no jurisdiction to proceed with an administrative hearing at this time.

Petitioner's June 17, 2024 hearing request is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

CL/dm



Colleen Lack
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Kimberly Kornoelje
Kent County DHHS
**MDHHS-Kent-
Hearings@michigan.gov**

SanbornB

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]