

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg. No: 2009-31127

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 29, 2010

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Lansing, Michigan on June 29, 2010.

ISSUE

Whether the Department properly denied Claimant's application for and/or terminated his Refugee Assistance Program (RAP) benefits?

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 February 11, 2009, Claimant applied for RAP benefits. (Exhibits 7-21)
2. On April 20, 2009, the Department sent Claimant a Verification Checklist, DHS-3503, which stated – "[REDACTED] need to attend [REDACTED] to receive the Refugee Assistance Program for them." (Exhibit 5)

3. On May 15, 2009, the Department received an email from the Case Management Coordinator at [REDACTED] stating that Claimant started jet orientation, but did not complete it and, therefore, he was not eligible to receive RAP. (Exhibit 4)

4. On May 28, 2009, the Department sent Claimant an Application Eligibility Notice informing him that his application was denied because – “customer failed to participate in the jet program.” (Exhibit 7)

5. On June 2, 2009, the Department received Claimant’s hearing request.

CONCLUSIONS OF LAW

DHS requires clients to participate in employment and/or self-sufficiency-related activities and to accept employment when offered. Refugee contractors work with families in surmounting challenges and concerns when recipients fail, without good cause, to comply with employment requirements. If these efforts to engage recipients in participation do not succeed, clients must experience the consequences of their decisions and actions.

When a Work Eligible Individual (WEI) fails without good cause to comply with an employment and/or self-sufficiency-related activity or refuses suitable employment, a member disqualification must be imposed. The refugee contractor works with the family to gain compliance and lift the penalty in the shortest period required. Both applicants and recipients are penalized for refusing suitable employment. Only RAP recipients are penalized for noncompliance with an employment and/or self-sufficiency-related activity.

Note: Do not apply FAP penalties to RAP-FAP applicants or to FAP recipients applying for RAP.

Noncompliance with an employment and/or self-sufficiency-related activity means any of the following:

- Failing or refusing to:
 - Comply with activities assigned to the WEI on the Family Self-Sufficiency Plan (FSSP) or other plan until the FSSP is available to contractors.

Failure to meet employment requirements means any of the following:

- Appear for a scheduled appointment or meeting.
 - Participate in employment and/or self-sufficiency-related activities.

 - Accept a job referral.
 - Complete a job application.
- Stating orally or in writing a definite intent not to comply with program requirements.

 - Threats, physical abuse or other behavior disruptive toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.

 - Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

Good cause is a valid reason for failing to participate in employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant WEI. A claim of good cause must be verified and documented for applicants, recipients and member adds.

In the instant case, the Hearing Summary states that Claimant's benefits were terminated and also that they were denied. Either way, the Department's hearing representative did not have any personal knowledge of the situation and there were no [REDACTED] notes offered (other than the email) and nobody from [REDACTED] was present to testify at hearing. Based on the testimony and documentation offered, 1) the Department did not act on Claimant's application for 60+ days, 2) it sent a Verification Checklist to Claimant with no date/time or deadline to inform him that he

needed to attend [REDACTED] and 3) the Department did not send Claimant a Notice of Noncompliance, conduct a triage and/or make a good cause determination for Claimant's alleged noncompliance.

With the above said, I do not find that the Department established that it acted in accordance with policy in denying Claimant's application for and/or terminating his RAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in denying Claimant's application for and/or terminating his RAP benefits. Accordingly, the Department's RAP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- 1) Process Claimant's RAP application retroactive to the application date and/or restore Claimant's RAP benefits retroactive to the closure date.
- 2) Issue Claimant supplemental benefits he is otherwise eligible and entitled to, if any.
- 3) Notify Claimant in writing of the Department's revised determination.
- 4) Claimant retains the right to request a hearing if he would like to contest the Department's revised determination.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 14, 2010

Date Mailed: July 14, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SMB/tg

cc:

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