

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: 2010-25762
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 29, 2010
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 held on April 29, 2010. The claimant personally appeared and provided testimony, along with his girlfriend [REDACTED].

ISSUE

Did the department properly determine the claimant was noncompliant with Family Independence Program (FIP) requirements of attending the Work First/Jobs, Education and Training (WF/JET) program in February, 2010?

FINDINGS OF FACT

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

1. The claimant had been deferred from WF/JET participation. On December 9, 2009, the department mailed the claimant a JET Appointment Notice (DHS-4785), scheduling him WF/JET orientation on December 21, 2009. (Department Exhibit 12)
2. On December 18 and December 21, 2009, the claimant contacted WF/JET and DHS to request another deferral. (Department Exhibit 13)
3. On January 15, 2010, the claimant was mailed an Appointment Notice (DHS-170) and a Notice of Noncompliance (DHS-2444) scheduling a triage appointment for January 27, 2010. (Department Exhibit 5 – 7)
4. The department did not find any good cause for the claimant's alleged noncompliance and mailed him a Notice of Case Action (DHS-1605) on January 27, 2010, informing him that his FAP case would be closing. (Department Exhibit 1 – 4)
5. The claimant submitted a hearing request on February 4, 2010.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In this case, the claimant is indicating that he should continue to be deferred from WF/JET participation because he has a disability that prevents him from participating with

WF/JET. The department has presented some conflicting information on the claimant and his evaluations for WF/JET deferral.

The department indicated in their hearing summary that the claimant's medical packet was sent to the Medical Review Team (MRT) and that they found him able to participate in WF/JET. This Administrative Law Judge requested the MRT evaluation from the department to be faxed after the hearing. When no information was faxed by the department, the department was emailed and asked to provide the MRT decision. The department worker then informed this Administrative Law Judge that the worker had not forwarded the medical information to MRT in October, 2009, but that the current medical information that the department had from the claimant would now be forwarded for MRT to make a determination.

However, on May 11, 2010, the department worker faxed this Administrative Law Judge a decision from MRT dated May 6, 2010 and June 29, 2009, indicating the claimant is work ready with some limitations. The department worker indicated that this decision included all of the medical records the claimant had presented, but this Administrative Law Judge is unclear if this is accurate.

Department policy indicates the department must require the claimant to provide medical verification from their doctor when the claimant claims a mental or physical injury, illness, impairment or problem renders them unable to participate with WF/JET. BEM 230A. Department policy also indicates that when an MRT decision has been completed and the client states they have additional medical evidence or a new condition, the verifications should be obtained and provided to MRT for a new determination. BEM 230A.

It appears that the claimant was evaluated by MRT in May and June, 2009. Although the department initially indicated that the claimant was evaluated by MRT in October, 2009 and was

found to be capable of WF/JET participation, there has been no documentation submitted to show this is true. In fact, the department now indicates that MRT did not review the claimant's medical records in October, 2009. The department first indicated that the medical records would now be sent to MRT to allow a determination to be made, then indicated that the claimant's current medical records have already been reviewed by MRT.

This Administrative Law Judge is unable to determine if the claimant has additional medical evidence or a new condition for MRT to evaluate. The claimant testified that he did have additional medical documentation that he brought to the hearing with him. The department doesn't seem to be able to give a clear answer. As this Administrative Law Judge can not find that MRT has reviewed the most recent medical documentation, the department must forward all of the medical documentation to MRT to be evaluated. Once the decision from MRT is received, the department can then proceed in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly determined the claimant was noncompliant with WF/JET program requirements without good cause.

Accordingly, the department's actions are REVERSED. The department shall:

1. Re-instate the claimant's FIP benefits back to the date of closure.
2. Forward the claimant's medical documentation to MRT for a decision on the claimant's capacity to work with WF/JET.
3. Proceed in accordance with department policy once the MRT decision is provided.

SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 25, 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.

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