

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: 2010-14907
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2010
Barry County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 May 6, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly sanction Claimant's Family Independence Program (FIP) case for failure to participate in employment and/or self-sufficiency related activities?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Family Independence Program (FIP) benefits.
- (2) On October 1, 2009, Claimant's husband underwent a cervical spine fusion. The

Michigan Works Agency/Jobs Education and Training Program (JET) had Claimant and her husband listed as deferred from participation due to the husband being incapacitated and Claimant to care for a disabled spouse.

(3) On October 8, 2009, the DHS case worker got an Medical Review Team denial of requested JET deferral for both Claimant and her husband. Based on Department policy and the information the case worker had, she attempted to remove the deferral for both Claimant and her husband. The Bridges computer program would not allow the case worker to remove Claimant's deferral. The deferral from Claimant's husband was removed and a Work First/Jobs Education and Training Appointment Notice (DHS-4785 form) was sent requiring him to attend JET on October 12, 2009.

(4) On October 19, 2009, Claimant's husband had never attended JET. A Notice of Case Action (DHS-1605) was sent stating Claimant's Family Independence Program (FIP) case would be closed.

(5) On October 30, 2009, the Department was sent medical information that Claimant's husband had undergone a cervical spine fusion and would be incapacitated for 2 months.

(6) On December 18, 2009, Claimant submitted a request for hearing.

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 (formerly known as the Family Independence Agency) 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 Program Reference Manual (PRM).

In this case it appears there was some discrepancy between Claimant's husband's medical status as decided on by the Medical Review Team (prior to the cervical fusion) and his actual medical status when he was referred to the Michigan Works Agency/Jobs Education and Training Program (JET). That discrepancy was unknown to the Department case worker at the time of action and was only discovered after the fact. During the hearing the Department case worker stated she felt Claimant's husband should have been deferred and no sanction should have been applied to the case. The evidence in the record convinces this Administrative Law Judge of the same conclusion. No further analysis is required to decide the case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly sanction Claimant's Family Independence Program (FIP) case for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the sanction be removed from Claimant's Family Independence Program (FIP) case and Claimant be supplemented any benefits she was otherwise eligible for but did not receive due to the sanction.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 12, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

GFH/alc

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