

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.: 201027799

Issue No.: 1021, 2015

Case No.:

Load No.:

Hearing Date:

May 10, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 10, 2010. The Claimant appeared and testified. [REDACTED] FIM, appeared on behalf of the Department.

ISSUE

1. Whether the Department properly issued a negative action and terminated Claimant's Family Independence Program ("FIP") benefits effective 9/18/09 for noncompliance with Work First?
2. Whether the Department properly closed Claimant's Medicaid Assistance Program ("MA") benefits effective 10/1/09?

FINDINGS OF FACT

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

1. Claimant was an active FIP recipient who, according to the Department, was scheduled to return to Work First.
2. The Department indicated that Claimant had until 9/26/09 to attend Work First Orientation. (Exhibit 2, p. 3). However, there is no notice to return to Work First in the hearing record.
3. At the time, Claimant had two minor children, a four year old and a baby under one year old.
4. Claimant testified that she had previously indicated to the Department that she had no babysitter for her two young children. Claimant testified that she then applied for CDC and never heard a response.
5. Claimant testified that she initially had someone watching her kids so she could attend Work First, but that she never received CDC benefits and was never able to pay her babysitter.
6. Claimant testified that she never received a notice to return to Work First and while the Department documents indicate that there is a “last date to attend orientation” there is no scheduled orientation date listed. (Exhibit 2, p. 3).
7. The Department submitted the JET Update/View Case Notes as support that Claimant never mentioned child care as a barrier to participation. However, the initial pages were not included in the exhibit. (Exhibit 2, pp. 7-8).
8. The Department terminated FIP benefits effective 9/18/09 for noncompliance.
9. In addition, Claimant’s case was up for redetermination at the end of July, 2009.

10. Claimant testified that she turned in a redetermination packet in July of 2009. Claimant believes that the redetermination packet was received because Claimant's FIP grant was paid during the months of August and September, 2009.
11. However, Claimant indicated that she did not receive any MA benefits for the months of October, November and half of December, 2009.
12. Claimant reapplied for MA for herself and her family on December 15, 2009 and the MA was granted.
13. The Department did not offer any reason for denial of MA benefits prior to December 15, 2009.
14. On September 25, 2009, the Department received the Claimant's written hearing request.

CONCLUSIONS OF LAW

A. FIP

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 Reference Tables (RFT).

Federal and State laws require each work eligible individual in a FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-

sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. PEM 233A at 4. Good cause includes having an immediate family member with an illness or injury that requires in-home care by the client. Id. It also includes lack of child care that is appropriate, suitable, affordable or within reasonable distance of the client's home or work site. PEM 230B, p. 8. The care must be appropriate to the child's age, disabilities and other conditions. Id. The penalty for noncompliance without good cause is FIP closure. PEM 233A at 6. If good cause is established the negative action is to be deleted. Id. at 12.

Clients who need assistance in finding a licensed or registered provider should be referred to Great Start Connect an online Web-based early learning resource site which can be accessed at www.greatstartforkids.org. Clients can also be referred to 1-877-614-7328, to search the Great Start Regional Child Care Resource Center serving their county. Resource centers can provide personal consultation for families in need of child care. If a provider can not be located to accommodate the client's needs, a letter can be provided to the client. If a provider is located within 10 days, the Department should do a referral to JET. If the client is unable to obtain child care that meets the conditions above within 10 days, the Department is to disregard the client until the next redetermination, the child turns age six, or until appropriate care is available, whichever is sooner. BEM 230A, pp. 8-9.

In this case, the Claimant testified credibly that she was waiting for CDC benefits in order to participate in Work First activities. It is unreasonable to expect that an individual who has income low enough to qualify for FIP has funds available to obtain childcare without

additional assistance. No one was available from JET to testify at the hearing nor are there any documents to support that Claimant was instructed to report to Work First at any time. According to BEM 230A, Claimant should have been referred for child care resources but if no appropriate or affordable child care was available then Claimant should have been disregarded until the child turned age six or appropriate care was available.

Based upon the foregoing facts and relevant law, it is found that the Department's termination of FIP benefits is REVERSED.

B. MA

The Medical Assistance ("MA") program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations ("CFR"). The Department of Human Services, formerly known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Table ("RFT").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105, p. 1. Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP related or SSI related. *Id.* To receive MA under an SSI related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive

MA under FIP related categories. *Id.* Low Income Family (LIF) MA is a FIP related Group 1 MA category. BEM 110. As such, in order to qualify for LIF MA, there must be a minor child in the family. BEM 105. Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. *Id.*

In the present case, the record reveals that Claimant MA-LIF was closed pre-conversion and approved again on 12/15/09. (Exhibit 1, p. 3). Claimant also testified credibly that she did not receive any MA benefits for her family from October forward until she reapplied on 12/15/09. The Department has not provided any reason for the closing of the MA benefits. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's close of MA benefits from October 1, 2009 through December 15, 2009 is REVERSED.


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's FIP and MA closures effective 9/18/09 and 9/30/09 are not upheld.

Accordingly, it is Ordered:

1. The Department's 9/18/09 negative action for noncompliance shall be deleted.
2. The Department shall reopen the Claimant's FIP case from the date of closure, 9/18/09 and supplement the Claimant with any lost benefits she was otherwise entitled to receive.
3. The Department shall process an application for CDC benefits before requiring Claimant to return to Work First.
4. The Department's denial of MA effective 10/1/09 is REVERSED.

5. The Department shall reopen the MA as if there were no dates of closure, and supplement Claimant with any lost MA benefits she was otherwise entitled to receive.

/s/ 
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 4, 2010

Date Mailed: June 4, 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.

JV/htw

cc:

