

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.: 2010-29575
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 26, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 Detroit, Michigan on May 26, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether Claimant may appeal a DHS Medical Review Team decision that concluded Claimant should not be deferred from Jobs, Education and Training participation.

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 Family Independence Program (FIP) recipient.
2. Claimant reported to DHS that she had a disability which should defer her from required participation with Jobs, Education and Training (JET).

3. DHS processed Claimant's request and sent the medical evidence for evaluation to the Medical Review Team (MRT).
4. On 2/23/10, MRT denied Claimant's request for deferral from JET participation.
5. Claimant submitted a hearing request on 3/25/10 regarding the denial of Claimant's request for JET participation deferral.
6. DHS has yet to terminate Claimant's FIP benefits due to her failure to participate with JET requirements.

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 Reference Tables Manual (RFT).

Federal and State laws require each work eligible individual (WEI) in a FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless that person is either temporarily deferred or engaged in activities that meet participation requirements. BEM 230A. All WEIs who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. Failure to appear at a JET program beyond the limits set forth in DHS policy results in noncompliance. *Id.*

Persons seeking deferrals based on medical issues must submit documentation to DHS for evaluation. DHS forwards the documents to MRT who make a decision on a client's ability

to participate in JET. In the present case, MRT denied Claimant's request for JET deferral for medical reasons.

BEM 230A discusses the procedure for DHS specialists to follow when JET deferrals are denied. The relevant section reads, "When a deferral is not granted, it is not a loss of benefits, termination or negative action. When a client requests a hearing based on not being granted a deferral, be sure to advise the client at the pre-hearing conference and use the DHS-3050, Hearing Summary, to inform the administrative law judge the action did not result in a loss of benefits or services. Be sure the client understands that the right time to file a hearing is once they receive a notice of negative action for noncompliance." BEM 230A at 20.

BAM 600 lists the circumstances in which a hearing may be granted. The circumstances are: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service, restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM 600 at 3.

In the present case, Claimant filed a request for hearing following the MRT denial of deferral but before any notice of lost benefits. Claimant was advised that her circumstances do not fall into the circumstances in which a hearing may be granted. Claimant was advised that if DHS initiated termination of Claimant's FIP benefits for failure to attend JET, then that would be an appropriate time to request a hearing. Until such time, Claimant's hearing request disputing the MRT denial for JET deferral is dismissed.

DECISION AND ORDER

Claimant's request for hearing is DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the MRT denial of Claimant's request for deferral from JET participation is not an appropriate basis for hearing.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/8/2010

Date Mailed: 6/8/2010

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 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.

CG/jlg

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