

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011 30963  
Issue No: 1038;3002  
Case No: [REDACTED]  
Hearing Date: May 25, 2011  
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing was held on May 25, 2011. The Claimant appeared and testified. Marlice Fulton, FIS appeared and testified on behalf of the Department.

ISSUE

Whether the Department of Human Services (DHS) correctly imposed a negative case action and denial of the Claimant's FIP cash assistance and food Assistance (FAP) application for failure to attend work first orientation.

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 applied for Food Assistance (FAP) and FIP cash assistance in March 2011.
2. The Claimant was assigned to attend the Work First Program and attended and completed the orientation.

3. The claimant's application for FIP and FAP was denied due to failure to comply with the Work First requirements.
4. The Claimant submitted a medical needs form to the Department requesting a deferral from the Work First program dated 4/25/10. The deferral was never processed by the Department. Claimant Exhibit 1.
5. The Claimant also requested that her Food Assistance be increased due to no longer receiving short term disability income she had previously been receiving. The change was not processed due to problems with the Bridges system and had not been processed as of the date of the hearing. The current status of the change processing and recalculation of the Claimant's FAP benefits was not known.
6. The status of the Claimant's FAP application or whether the Claimant's FAP case was open was not a fact presented by the Department at the hearing.
7. The Claimant requested a hearing on April 25, 2011, protesting the failure of the Department to process her Food Assistance and protesting the closure of her FIP Cash Assistance.

#### 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).

All Family Independence Program (FIP) and Refugee Assistance Program (RAP) eligible adults and 16- and 17-year-olds not in high school full time must be referred to the Jobs, Education and Training (JET) Program or other employment service provider, unless deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and to find employment. BEM 230A, p. 1. A cash recipient who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A, p. 1.

At application, attendance at Work First orientation is mandatory for Claimant's seeking cash assistance. If a Claimant refuses to participate in the Work First orientation, Bridges automatically denies the application. BEM 229, pages 4 and 5. In this case, the Claimant's un rebutted testimony indicates that the Claimant attended the orientation and thus the Claimant's FIP application should not have been denied. The Department's denial of the application was in error and is reversed.

The Claimant presented a form 54A medical needs form to the Department by dropping it off at the Department drop box. The Department did not defer the Claimant so it could be determined the nature of the deferral request and whether a submission to the Medical Review Team was necessary. This was error and requires that the denial of the application be reversed. BEM230A.

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal

Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Claimant had provided notice to the Department regarding a change in income (decrease) which would affect the amount of her FAP benefits. The Department acknowledged that the Claimant advised them of a change in income as the Claimant's short term disability had ended and the Claimant requested that her FAP benefits be recalculated. The Department acknowledged that it had received the change but could not process the change due to trouble with the Bridges system. The Department is not allowed to delay processing of a change because the Bridges system is not working. The Department could not say whether a help ticket had been requested, or when the FAP benefits might be adjusted. The FAP benefits had not been adjusted or recalculated as of the hearing date.

Based upon the foregoing findings of fact and conclusions of law, the undersigned must hold that the Department denied the Claimant's FIP application in error and its denial of the FIP application is reversed. The Department's failure to process the change in income decrease regarding the Claimant's FAP benefits and its failure to address this issue requires that the Department's failure to act be remedied and its inaction is reversed.

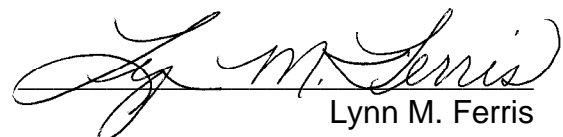
#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was in error when it

denied the Claimant's FIP application for non attendance at the Work First orientation and for its failure to process and consider a deferral. Accordingly, the Department's decision in the above-stated matter is, hereby, REVERSED. The Department's failure to process a reported change in income that affected FAP benefits due to the failure of the Bridges system to process the reported change is also reversed.

Accordingly, it is ORDERED:

1. The Department shall reinstate the Claimant's FIP application retroactive to the date of closure.
2. The Department shall process a deferral for the Claimant to determine if the Claimant is eligible for a deferral from the Work First program for herself or based on care of a disabled child.
3. If the Department has denied or closed the Claimant's FAP application or case, the Department shall reinstate the FAP application/case retroactive to the date of denial or closure.
4. The Department shall process the Claimant's income change notice regarding a decrease in income and shall supplement the Claimant for any FAP benefits she was otherwise entitled to receive retroactive to the date of the notice of change provided by the Claimant.



Lynn M. Ferris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 05/31/11

Date Mailed: 06/02/11

**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.

LMF/dj

cc:

