

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

IN THE MATTER OF:



Reg. No. 2011-54072
Issue No. 1038; 6015
Case No. [REDACTED]
Hearing Date: October 20, 2011
County: Wayne County

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on October 20, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly denied Claimant's application for benefits under the Family Independence Program (FIP) based on Claimant's failure to comply with work participation program assignments.

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case for Child Development and Care (CDC)?

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 ongoing recipient of CDC.
2. Claimant applied for FIP benefits on or about July 5, 2011.
3. On July 5, 2011, the Department referred Claimant to a Jobs Education and Training (JET) orientation on July 15, 2011.

4. On July 5, 2011, Claimant issued a verification checklist to Claimant with proofs due by July 15, 2011.
5. Claimant mailed the requested proofs on July 9, 2011.
6. Claimant was assigned more than one Department worker during July of 2011.
7. Claimant was employed by the Department as an aide on July 15, 2011, so she called her Department worker to determine whether she should attend the JET orientation or attend to her employment site.
8. The Department worker did not reschedule Claimant's appointment.
9. On or about July 15, 2011, the Department sent Claimant a Notice of Case Action denying her FIP application based on her failure to comply with work participation program assignments and closing Claimant's CDC case due to failure to verify requested information.
10. On September 12, 2011, Claimant requested a hearing disputing the Department's action.

CONCLUSIONS OF LAW

FIP Application Denial

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP 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).

In order to increase their employability and obtain employment, work eligible individuals (WEI) seeking FIP are required to participate in the JET Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A; BEM 233A. Work participation program engagement is a condition of FIP eligibility. BEM 229. When assigned, clients must engage in and comply with all work participation program assignments while the FIP application is pending. BEM 229. An applicant who fails or refuses to appear and participate with the JET Program or other employment service provider without good cause is noncompliant. BEM 233A. Failure by a client to participate fully in assigned

2011-54072/SCB

activities while the FIP application is pending will result in denial of FIP benefits. BEM 229. A good cause hearing is not required for applicants who are non-compliant prior to the FIP case opening. BEM 233A.

BAM 105 directs that the Department protect a client's rights.

In the present case, Claimant was employed by the Department as an aide and was assigned to work the day of the JET appointment. Claimant logically called her Department worker to assist her in complying with both obligations of employment and the JET appointment. Instead of assisting Claimant, the Department denied Claimant's application. The Department did not protect Claimant's rights as directed by BAM 105. Therefore, the Department was not correct in its decision to deny Claimant's application.

CDC Closure

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

In the present case, the Department issued a Verification Checklist with proofs due by July 15, 2011. Claimant testified credibly that she mailed the proofs to the Department on July 9, 2011. The Department's representative at the hearing and Claimant were in agreement that Claimant had been assigned more than one worker during the period of mailing, so it is likely that the proofs were misplaced by the Department. It is noted that the Department representative at the hearing did not have Claimant's file as the file had been assigned to another worker. The Department was therefore incorrect in its decision to close Claimant's CDC case, as Claimant did cooperate with the Department.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated within the record, the Administrative Law Judge concludes that the Department

2011-54072/SCB

improperly denied Claimant's FIP application and im properly closed Claimant's CDC case.

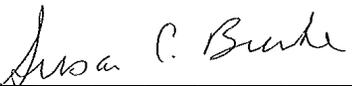
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, it is ORDE RED that the Department's FIP and CDC dec isions are REVERSED for the reasons stated within the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement and reprocessing of Claimant 's FIP applic ation which was dated on or about July 5, 2011.
2. Initiate reinstatement of Claimant's CDC case, from the date of closure, on or about July 15, 2011 and ongoing, if Claimant is otherwise eligible.
3. Initiate issuance of FI P supplements for any missed payments from the dat e of application, on or about July 5, 2011, and ongoing, if Claimant is found t o be eligible for FIP.
4. Initiate issuance of CDC sup plements for any missed payments, from th e date of closure, on or about July 15, 2011 and ongoing, if Claimant is found to be eligible.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/26/11

Date Mailed: 10/26/11

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/sm

cc:

