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

IN THE MATTER OF:

Reg. No: 201154090
Issue No: 1038
Case No:
Hearing Date: October 19, 2011
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me 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 October 19, 2011. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

FINDINGS OF FACT

I find as material fact based upon the competent, material and substantial evidence on the whole record:

1.   For the past two years prior to July 11, 2011, the Claimant received a medical deferral from WF/JET activities.

2.   On July 11, 2011, the Department sent the Claimant an appointment notice to participate in WF/JET on July 18, 2011. (Department Exhibit 1)

3.   Between July 11, 2011 and August 25, 2011, the Claimant requested another medical deferral.

4.   Between July 11, 2011 and August 25, 2011, the Department did not provide the Claimant with the necessary documentation to receive a medical deferral from WF/JET.

5.   On July 18, 2011, the Claimant failed to show for the scheduled WF/JET appointment.

6.   On July 18, 2011, the Department issued the Claimant a Notice of Noncompliance. (Department Exhibit 4)

7.   On July 25, 2011, the Department held a triage in the absence of the Claimant. The Department determined the Claimant did not have good cause for failing to participate on July 18, 2011.

8.   On August 25, 2011, the Department closed the Claimant's FIP case. On or around August 25, 2011, the Claimant filed a request for hearing.

CONCLUSIONS OF LAW

The 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 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).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

Noncompliance is defined by department policy as failing or refusing to do a number of activities, such as attending and participating with WF/JET, completing the FAST survey, completing job applications, participating in employment or self-sufficiency-related activities, providing legitimate documentation of work participation, etc. BEM 233A.

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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the "Participation and Compliance" tab.

Good cause includes the following:

   .   The person is working at least 40 hours per week on average and earning at least state minimum wage.

. The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance.

. The client has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the client.

Based on the testimony provided at the hearing, I find the Claimant was on some type of medical deferral for the past two years. At the end of the deferral, the Claimant requested the Department to send her additional medical documentation to be filled out and turned in. At no time did the Department provide the Claimant with the necessary documentation. Furthermore, even had the Claimant not asked for additional medical documentation, the Department should have been aware of the Claimant's medical situation and previous medical deferrals based on a simple review of the file.

Accordingly, I find the Department's actions should be **REVERSED**.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department improperly terminated the Claimant's Family Independence Program (FIP) benefits for noncompliance with WF/JET requirements.

2. The Department is ordered to initiate a redetermination of the Claimant's eligibility for FIP benefits as of August 25, 2011 and to issue any retroactive benefits if otherwise qualified and eligible.

Accordingly, the Department's actions are **REVERSED**.

                      /s/_____
                                     Corey A. Arendt
                               Administrative Law Judge
                          for Maura D. Corrigan, Director
                          Department of Human Services

Date Signed: <u>October 24, 2011</u>
Date Mailed: <u>October 26, 2011</u>

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.

CAA/cr

cc: