

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Oakland

Reg
Issue
Case
Hearing

No: 2011-21688
No: 1005
No: [REDACTED]
Date: [REDACTED]

DHS (04)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 a hearing received by the Department on [REDACTED]. After due notice, a telephone hearing was conducted from Detroit, Michigan on [REDACTED]. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED], Case Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Cash Assistance (FIP) application due to Claimant's failure to participate in the work first orientation program.

FINDINGS OF FACT

The Administrative Law Judge, [REDACTED] based upon the competent, material, and substantial evidence on the whole record, finds as material facts:

1. The Claimant applied for Cash Assistance (FIP) on [REDACTED]
2. An in-person interview was scheduled with the Claimant on [REDACTED] at [REDACTED]. The Claimant did appear for the interview but had to leave due to a family emergency. Exhibit 1

3. The Department and the Claimant agreed to schedule another interview on [REDACTED]. The Claimant did not show up for the [REDACTED] interview.
4. At the hearing, the Department confirmed through its testimony that the reason for the denial of the Claimant's FIP application was because the Claimant failed to attend the second in-person interview to complete the FIP application and not because she failed to attend the work first orientation. The Department's action denying the application occurred the day before the interview was scheduled to occur.
5. After the hearing was completed, the Department faxed to the Administrative Law Judge the Notice of Case Action dated [REDACTED] which denied the FIP application. The Notice indicated that the Claimant's application was denied because of the Claimant's failure to attend the work first orientation. Exhibit 2
6. The Work First orientation was to have occurred on [REDACTED], but the Claimant's FIP application was already denied.
7. After the Claimant's application was denied, she supplied a Doctor's note to her caseworker on [REDACTED] indicating that the Claimant was confined to bed rest due to her pregnancy. Exhibit 3
8. The Doctor's note was dated [REDACTED]
9. The Department testified that it closed the Claimant's case on [REDACTED] because she had failed to attend the in-person interview with her caseworker. The Department acknowledged that the denial was premature but would have fixed the problem had the Claimant appeared at the [REDACTED] interview.
10. The Claimant questioned why her case closed on [REDACTED] when she had an appointment to attend job link (Work First) on [REDACTED]
11. The Claimant requested a hearing on [REDACTED], protesting the denial of her FIP Cash Assistance application. The hearing request was received by the Department on [REDACTED]

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 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").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. 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 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, p. 4.

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.

In this case, the Department scheduled two in person interviews with the Claimant so that her FIP application could be signed and any additional information could be obtained by the Department. The Department testified at the hearing that it denied the Claimant's FIP application for failure to attend the second in person interview to complete the application. Unfortunately, the Notice of Case Action was not provided to this Administrative Law Judge until after the hearing. The [REDACTED] Notice of Case action indicates that the Claimant's application was denied due to her failure to

attend the work first orientation, not for her failure to attend the in person interview to complete the FIP application.

The testimony of the Department did not support the denial of the FIP application on the basis that the Claimant did not attend the work first orientation. Additionally, the Claimant testified that her appointment at job link was not until [REDACTED] and did not understand why her application was denied on [REDACTED]. Because the reason for the denial of the application given at the hearing by the Department was not understood to be for non attendance at the work first orientation, the Claimant was not required to offer further testimony regarding why her case was closed improperly with regard to alleged non attendance at the work first orientation. The Claimant and this Administrative Law Judge were led to believe that the application was denied due to failure to attend an in person interview.

In this instance, because the testimony of the Department was inconsistent with its official action denying the application, and the fact that the application was prematurely denied, the Department has not sustained its burden of proof, and the denial of the Claimant's application must be reversed.

Based on the foregoing, it is found that the Department's denial of the Claimant's FIP application was not supported by the hearing testimony as the department mistakenly believed the application was denied for failure to attend the in person interview with her caseworker, and therefore its determination must be reversed.

DECISION AND ORDER

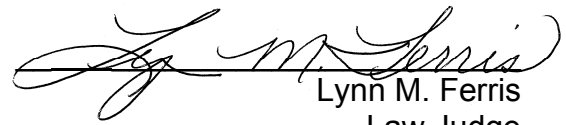
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was not sufficient evidence presented to affirm the Department's actions denying the Claimant FIP application for failure to attend work

first, and therefore, the denial of the Claimant's FIP Cash Assistance application by the Department is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reopen and reprocess the Claimant's FIP application filed [REDACTED] and complete the application process.
2. The Claimant shall be re-assigned to attend the work first program orientation.

Administrative
for
Department


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

Date Signed: 04/21/11

Date Mailed: 04/26/11

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: [REDACTED]
Oakland County DHS (Dist #04) / DHS-1843

Administrative Hearings