

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201130342
Issue No.: 1038; 2000; 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: May 19, 2011
DHS County: Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on May 19, 2011. Claimant appeared and testified. [REDACTED] FIS, appeared on behalf of the Department of Human Services (Department or DHS).

ISSUES

Was the Department correct in denying Claimant's Family Independence Program (FIP) application due to noncompliance with employment and/or work-related activities?

Was the Department correct in closing Claimant's Food Assistance Program (FAP) case due to failure to cooperate with the Department?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

FIP

1. Claimant applied for FIP on January 28, 2011.
2. As a recipient of FIP, Claimant was required to participate in employment-related activities.
3. To fulfill this requirement, Claimant was assigned to the Jobs, Education and Training (JET) program.

4. Claimant attempted to attend the JET program as assigned.
5. On March 7, 2011, the Department denied Claimant's FIP application due to noncompliance with employment-related activities.
6. Claimant requested a hearing contesting the negative action.

FAP

7. Claimant was an ongoing recipient of FAP.
8. The Department closed Claimant's FAP case effective April 1, 2011, due to failure to verify information.
9. At the hearing, the Department agreed to reinstate Claimant's FAP case and restore Claimant's FAP benefits effective April 1, 2011 if Claimant is otherwise eligible. As a result of this agreement, Claimant stated that she no longer wished to proceed with the hearing on FAP.

CONCLUSIONS OF LAW

Family Independence Program (FIP)

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual.

The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 230A; BEM 233A. All Work Eligible Individuals (WEIs) are required to participate in the development of a Family Self-Sufficiency Plan (FSSP) unless good cause exists. BEM 228. As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency-related activities. BEM 233A. The WEI is considered non-compliant for failing or refusing to appear and participate with the JET Program or other employment service provider. 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. BEM 233A. Failure to comply without good cause results in FIP closure. BEM 233A. The first and second occurrences of non-compliance result in a three-month FIP closure. BEM 233A. The third occurrence results

in a twelve-month sanction. The goal of The FIP penalty policy is to bring the client into compliance. BEM 233A.

In the present case, Claimant credibly testified that upon Claimant's worker's instructions, she went to an orientation as scheduled, but because she had not received the appointment notice in the mail, when Claimant went to the orientation, she was denied access due to her not producing the appointment notice. Claimant further testified that the mail was often delivered to her downstairs neighbors and she did not always get the mail. Claimant contacted her worker and the appointment was rescheduled. However, again, Claimant did not receive the new notice in the mail. I am satisfied that Claimant's mail delivery was sporadic and therefore she was not well-informed as to her appointment for the orientation. Based on the above discussion, I find that Claimant had good cause, that is, a valid reason for noncompliance with employment and/or self-sufficiency-related activities. BEM 233A. Therefore, the Department's decision to deny Claimant's FIP application was not correct.

FOOD ASSISTANCE PROGRAM (FAP)

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reinstate Claimant's FAP case and restore Claimant's FAP benefits effective April 1, 2011 if Claimant is otherwise eligible. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in the FAP case.

MEDICAL ASSISTANCE (MA)

It is noted that Claimant requested a hearing on MA, but at the hearing Claimant testified that she was and is a recipient of MA and she no longer is requesting a hearing on MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny Claimant's FIP application was incorrect, and therefore it is ORDERED that its decision is REVERSED. The Department is further ORDERED to reinstate Claimant's FIP application of January 28, 2011, and, if Claimant meets all other eligibility factors issue Claimant any benefits missed as a result of the negative action.. It is further ORDERED that the Department reinstate Claimant's FAP case and restore Claimant's FAP benefits effective April 1, 2011, in accordance with the settlement reached at the hearing, and if Claimant is otherwise eligible, issue any missed or increased payments in the form of a supplement. It is further ORDERED that Claimant's request for a hearing on MA is DISMISSED, per the request of Claimant.

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

Date Signed: May 25, 2011

Date Mailed: May 25, 2011

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.

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