

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201141541
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 15, 2011
Macomb County DHS (12)

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 the claimant's request for a hearing. After due notice, a telephone hearing was held on August 15, 2011. The Claimant appeared and testified. [REDACTED], Jet Case Manager, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP cash assistance case for failure to attend the Work First program.

FINDINGS OF FACT

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

1. The Claimant was an ongoing cash recipient and was assigned to attend the Work First program.
2. The Claimant was assigned to attend orientation on June 6, 2011. Exhibit 1.
3. Prior to orientation the Claimant advised her worker that she could not attend Work First orientation because she could not work.
4. The Claimant was sent a Medical Needs form dated June 15, 2011, which was due June 25, 2011. The Department did not receive the Medical Needs form back from the client. Exhibit 2.

5. The Claimant attempted to have the Medical Needs form completed, but the Doctor's receptionist could not complete it based upon the Doctor's notes as the Claimant's file contained insufficient information to complete the form.
6. The Claimant provided a prescription for physical therapy, but the note provided did not confirm that the Claimant could not work. Exhibit 3 & Claimant Exhibit 1.
7. A notice of non compliance was sent to the Claimant on June 8, 2011, scheduling a triage on June 20, 2011. Exhibit 4.
8. The Claimant's case was closed on August 1, 2011 and sanctioned due to a finding that the Claimant was found to be in non compliance with Work First requirements and had not demonstrated good cause . Exhibit 5.
9. The Claimant requested a hearing on July 1, 2011 regarding the closure of her cash assistance case.

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"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") 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 Jobs, Education, and Training Program ("JET") 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 results in a 3 month FIP closure. BEM 233A The third occurrence results in a 12 month sanction.

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM

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233A In processing a FIP closure, the Department is required to send the client a notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A In addition, a triage must be held within the negative action period. BEM 233A A good cause determination is made during the triage and prior to the negative action effective date. BEM 233A.

In this case the Claimant was assigned to attend Work First orientation. Prior to the orientation the Claimant advised the Department that she could not work. The Claimant's case worker advised her that she had to provide a doctor's note indicating that she was disabled from working. The Department also sent a Medical Needs form to the Claimant to be completed and returned by June 25, 2011. The Claimant was unable to have the form completed by the doctor's office because the doctor's notes did not provide enough information for his receptionist to complete the form.

Based upon the evidence submitted by the Claimant, the Claimant was unable to provide current medical information supporting a deferral due to disability or inability to work. Based upon these facts, the Department properly closed the Claimant's FIP case. It had no information available to support a finding that the Claimant should be deferred from attending the Work First program or other evidence of good cause for failing to comply with the work first program.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department properly closed the Claimant's FIP case for failure to attend the work first orientation, and to provide documentation to the Department supporting the Claimant's claim of disability and inability to attend the Work First program. The Department's determination closing the Claimant's FIP case is therefore AFFIRMED.



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

Date Signed: August 17, 2011

Date Mailed: August 17, 2011

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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 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.

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