

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-48912
Issue No.: 1012; 3000
Case No.: [REDACTED]
Hearing Date: September 22, 2011
County: Wayne County DHS

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 22, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Case Manager and [REDACTED]

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> 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 applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. The Department issued to Claimant a Notice of Appointment to attend JET orientation on June 20, 2011.
3. Claimant attended the JET orientation on June 20, 2011.
4. At the time of the JET orientation, Claimant was enrolled in [REDACTED] training program.
5. Claimant's JET worker told Claimant to quit the training program and attend JET.
6. Claimant requested further direction from the Department on June 20, 2011 but did not get a response from the Department.
7. On July 2, 2011, the Department denied Claimant's application closed Claimant's case due to non-participation in work-related activities.
8. On July 2, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure.
9. On July 14, 2011, Claimant filed a hearing request, protesting the denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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.

Additionally,

Federal and state laws require each work eligible individual (WEI) in the FIP program to participate in Jobs, Education and Training (JET) Program or other employment-related activity unless temporarily 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 obtain employment. BEM 230A, p. 1.

In the instant case, Claimant testified credibly that she did attend the JET program appointment as assigned, but was told by the JET worker that she must quit her enrollment in the [REDACTED] training program to attend JET. Claimant then sought assistance from the Department with regard to her next step. However, the Department did not address Claimant's request for assistance.

The directive from the JET worker to quit the medical billing and coding training program would seem to defeat the mandate of BEM 230A which directs that clients must participate in JET ***or other employment-related activities.*** (Emphasis added.) Correspondence from the Senior Career Consultant from [REDACTED] dated June 21, 2011 (Claimant's Exhibit 1,) states in part, [REDACTED] is currently enrolled in our [REDACTED] training program as a full time student. . .If Cheryl were to obtain a job opportunity, [REDACTED] will be able to change her schedule to accommodate both her employment and educational goals!" It is clear from the above-quoted correspondence that Claimant was participating in employment-related activities as required by policy.

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

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

It is noted that Claimant also requested a hearing regarding the Food Assistance Program (FAP), but at the hearing the Claimant stated she was satisfied with the actions of the Department and was no longer requesting a hearing on FAP.

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

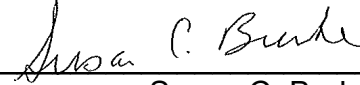
did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated within this record.

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

1. Re-register Claimant's FIP application of June, 2011.
2. Initiate reinstatement and reprocessing of Claimant's FIP application of June, 2011.
3. Issue FIP supplemental payments to Claimant if she is found to be eligible for FIP.

It is further ORDERED that Claimant's request for hearing regarding FAP is DISMISSED pursuant to BAM 600, as Claimant stated she was no longer aggrieved by the Department's action with regard to FAP.



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

Date Signed: 9/28/11

Date Mailed: 9/28/11

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 mailing 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.

2011-48912/SCB

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

SCB/sm

cc:

