

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201152323
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: October 12, 2011
County: Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

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 October 12, 2011, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (Department) included Deborah Irvin, Jet Case Manager.

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. On June 23, 2011, 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. On August 1, 2011, the Claimant was given a Medial Needs-Jet form to complete for the purpose of obtaining a deferral from the JET work requirements.

3. On August 1, 2011, the Department sent Claimant a Jobs, Education, and Training (JET) Appointment Notice requiring the Claimant to attend the work-first program on August 8, 2011.
4. On August 2, 2011, the Claimant submitted the completed Medical Needs-JET form to the Department.
5. The Claimant did not attend the JET appointment based on her timely submission of the Medical Needs-JET form and need for a deferral.
6. On August 8, 2011, the Department
 denied Claimant's application closed Claimant's case
 due to the Claimant's failure to attend work first on the scheduled date.
7. On August 8, 2011, the Department sent
 Claimant Claimant's Authorized Representative (AR)
 notice of the denial. closure.
8. On August 25, 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, Federal and state laws require each work eligible individual (WEI) in the FIP and RAPC group to participate in the work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A. Persons with a mental or physical illness, limitation, or incapacity expected to last less than three months and which prevents participation may be deferred for up to three months. BEM 230A. When a deferral is requested and not granted, the Department is required to notify and advise the client of their right to discuss the deferral decision with a supervisor. BEM 230A. The Department must also refer the client to the work participation program and provided information on any limitations to full participation using additional information and case notes when sending the referral. BEM 230A.

In this case, the Claimant's AHR testified that the Claimant had a medical condition that prevented her from working and discussed this with a supervisor on August 1, 2011. The Claimant was given a Medical Needs Form and the evidence and testimony of all parties established that the Claimant submitted the Medical Needs Form to the Department the very next day. The Department presented no evidence that any decision was made with respect to the deferral requested by the Claimant. Moreover, the Department testified that, had the deferral been denied, it had no obligation to notify the Claimant. This is contrary to the Department policy. If the Claimant requested a deferral, a JET appointment should not be scheduled until after a decision to grant or deny the deferral is made. If the deferral is denied, then the Department must advise the Claimant that they have a right to discuss the deferral decision with a supervisor and then advise them of the requirement to attend the JET appointment. It is clear that none of this happened in this case. The Department received the Claimant's request for a deferral and then closed the Claimant's case for failure to attend JET. This completely ignores the fact that a deferral was pending and no decision had been made or communicated to the Claimant.

I will also note that the Department testified that it questioned some of the information contained on the Medical Needs Form. But the Department then admitted that it had

the obligation to verify the information contained in the Medical Needs Form and it had not done so. The Claimant's AHR offered credible testimony that the documents were authentic and there is no evidence to the contrary. The Department went on to question the Claimant's ability to work, but again the Department had the obligation to verify any information it deemed questionable, and it failed to do so. Based on the above facts, the Department failed to act in accordance with Department policy when it terminated the Claimant's benefits for failure to attend the JET appointment when a deferral was requested and no decision regarding denial of the deferral was never communicated to the Claimant.

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.

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 on the record.

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

1. The Department shall initiate reprocessing of the Claimant's June 23, 2011 application in accordance with Department policy.
2. The Department shall notify the Claimant in writing of the application determination and deferral decision in accordance with Department policy.
3. The Department shall supplement the Claimant for lost benefits she was eligible and otherwise qualified to receive based on the June 23, 2011 application in accordance with Department policy.


Andrea J. Bradley
 Administrative Law Judge
 for Maura Corrigan, Director
 Department of Human Services

Date Signed: 10/20/11

Date Mailed: 10/21/11

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.

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

AJB/dj

cc:

