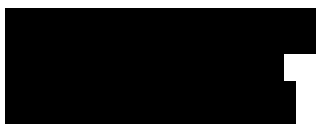


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201152727  
Issue No: 1038, 3029  
Case No: [REDACTED]  
Hearing Date: October 13, 2011  
Bay County DHS

**ADMINISTRATIVE LAW JUDGE:** COREY A. ARENDT

**HEARING DECISION**

This matter is before me 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 October 13, 2011. The Claimant and Agency appeared by telephone and provided testimony.

**ISSUE**

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

**FINDINGS OF FACT**

I find as material fact based upon the competent, material and substantial evidence on the whole record:

1. On April 25, 2011, the Department scheduled the Claimant to return to WF/JET on May 9, 2011. (Department Exhibit 6)
2. On or around May 12, 2011, the Claimant told the Department she needed another medical deferral. On May 12, 2011, the Department provided the Claimant with a Medical Determination Verification Checklist. The Department requested the medical forms be turned in by May 23, 2011 at the latest. (Department Exhibit 7).
3. By May 23, 2011, the Claimant had turned in all of the forms the Department requested except for a DHS 54E.

4. On July 18, 2011, the Department sent the Claimant a Notice of Noncompliance. The Notice was in regards to the Claimant's failure to turn in the necessary medical forms by May 23, 2011. The Notice indicated the Claimant had until July 28, 2011 to show good cause.
5. On July 22, 2011, the Claimant participated in a Biage with the Department.
6. On July 25, 2011, the Claimant provided the Department with the missing DHS 54E.
7. On July 22, 2011, the Department sent the Claimant a Notice of Case Action. (Department Exhibit 12)
8. On August 30, 2011, the Claimant filed with the Department a request for hearing protesting the July 22, 2011 Notice of Case Action.

### **CONCLUSIONS OF LAW**

The 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. 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).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

Noncompliance is defined by department policy as failing or refusing to do a number of activities, such as attending and participating with WF/JET, completing the FAST survey, completing job applications, participating in employment or self-sufficiency-related activities, providing legitimate documentation of work participation, etc. 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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the "Participation and Compliance" tab.

**Good cause includes the following:**

- . The person is working at least 40 hours per week on average and earning at least state minimum wage.
- . The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance.
- . The client has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the client.

The Department in this case, is alleging the Claimant was noncompliant because she did not return to WF/JET and did not provide the necessary 54E for proper review. Based on the Notice of Noncompliance dated July 18, 2011 (Department Exhibit 10), the Claimant had until July 28, 2011 to turn in the necessary documentation to substantiate good cause. On July 25, 2011, the Claimant provided the Department with the missing 54E. At that time, the Department had all the necessary medical documentation to refer the Claimant to the Medical Review Team (MRT) for a deferral.

Accordingly, I find the Department's actions should be **REVERSED**.

**DECISION AND ORDER**

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department improperly terminated the Claimant's Family Independence Program (FIP) benefits for noncompliance with WF/JET requirements.
2. The Department is ordered to initiate a redetermination of the Claimant's eligibility for FIP benefits as of September 1, 2011 and to issue any retroactive benefits if otherwise qualified and eligible.
3. The Department is ordered to forward all of the Claimant's new medical documentation onto MRT for a determination regarding a deferral.

Accordingly, the Department's actions are **REVERSED**.

/s/

Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: October 13, 2011

Date Mailed: October 14, 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.

CAA/cr

cc:

