

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201211252
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: December 14, 2011
County: Midland

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 hearing was held on December 14, 2011. The Claimant and Department of Human Services (Department) 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. At some point in time prior to September 13, 2011, the Claimant requested a medical deferral from WF/Jet. Around the time of request, the Department forwarded documentation to the Medical Review Team (MRT) for review. The documentation regarded the Claimant's deferral request.
2. On September 13, 2011, MRT requested additional medical documentation. MRT specifically requested the Claimant be examined by an Internist at [REDACTED]. Department Exhibit 1, pp. 3-6.
3. On October 5, 2011, the Department sent the Claimant a Medical Appointment Confirmation Notice. Department Exhibit 1, p. 9. The Notice indicated the Claimant was to attend an appointment at [REDACTED] on October 26, 2011, at 10:20 am.

4. On or around October 5, 2011, the Claimant received the Department's October 5, 2011, Medical Appointment Confirmation Notice. The Claimant did not completely read the notice.
5. On October 26, 2011, the Claimant did not attend the scheduled appointment.
6. On October 26, 2011, [REDACTED] contacted the Department and indicated the Claimant's failure to attend the scheduled appointment.
7. On October 28, 2011, the Department sent the Claimant a Notice of Case Action. The Notice indicated the Claimant's FIP benefits were being closed due to the Claimant's failure to attend the medical appointment on October 26, 2011.
8. On November 7, 2011, the Claimant filed a hearing request protesting the October 28, 2011, Notice of Case Action.

CONCLUSIONS OF LAW

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 FIP pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. FIP 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).

The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. The 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.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

A Work Eligible Individual (WEI); see BEM 228; who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Clients who are disabled are temporarily deferred from employment-related activities. The Department is to defer persons incapacitated due to injury, physical illness or mental illness. They must verify a reason for deferral only if it is not obvious and the information provided is questionable (unclear, inconsistent or incomplete). BEM 230B.

The client is responsible for providing evidence needed to prove disability or blindness. However, the Department must assist the customer when they need help obtaining it. Such help includes the following:

- Scheduling medical exam appointments
- Paying for medical evidence and medical transportation

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and the Department should deny the application or close the case. It is not necessary to return the medical evidence to MRT for another decision in this instance. BEM 260.

Based on the testimony and exhibits presented during the hearing, I find the Claimant failed to fully read and comprehend the Notice scheduling the appointment. As a result, the Claimant did not fully comprehend the penalties associated with not participating. Consequently, I find the Claimant lacked good cause as to why she did not participate in the scheduled appointment. Although the Claimant indicated she suffered from diabetes and passed out approximately four times a week, the Claimant felt comfortable driving her car. Therefore, I do not find the Claimant's health affected or contributed to her absenteeism on October 26, 2011.

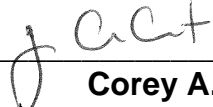
Because the Claimant did not attend the activities as required and because the Claimant lacked a good cause explanation as to why she was not in attendance, I find the Department acted in accordance with the applicable laws and policy in this case. Therefore, I affirm the Department's actions in this matter.

DECISION AND ORDER

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

1. The Department properly terminated the Claimant's FIP benefits for noncompliance.

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



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

Date Signed: December 19, 2011

Date Mailed: December 19, 2011

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

CAA/pf

cc:

