STATE OF MICHIGAN

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[redacted]

Reg. No. 2012-29689
Issue No. 1038
Case No. [redacted]
Hearing Date: March 8, 2012
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Ad ministrative Law Judge upon Claimant's request for a hearing made purs uant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a t elephon hearing was held on March 8, 2012, from Detroit, Mi chigan. Participants on behalf of Claimant included Claimant. Participants on behal f of Department of Human Servic es (Department) included [redacted]

ISSUE

Whether the Department properly closed Cla imant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in e mployment-related activities.

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits and was required to participate in employment-related activities.

2. On November 15, 2011, the Depar tment sent Claimant a Notice of Noncompliance informing Claim ant of a failure to participate in e mployment-related activities on October 10, 2011 and scheduling a triage on Novemb er 22, 2011.

3. Cla imant ☐ participated ☒ did not participate in the triage.

4. The Department ☒ held the triage and found that Claimant had failed to comply with employment-related activities without good cause ☐ did not hold the triage.

5. Claimant ☐ did ☒ did not participate in employment-related activities.

6. Claimant ☒ had ☐ did not have good cause to not participate in employment-related activities.

7. On November 23, 2011, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective January 1, 2012 based on a failure to participate in employment-related activities without good cause.

8. On February 1, 2012, Claimant requested a hearing disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are found 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.

In order to increase their employability and obtain employment, work eligible individuals (WEI) seeking FIP are required to participate in the JET Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A; BEM 233A. Failing or refusing to attend or participate in a JET program or other employment service provider without good cause constitutes a noncompliance with employment or self-sufficient related activities. BEM 233A. Good cause is a valid reason for noncompliance which is beyond the control of the noncompliant person. BEM 233A. JET participants will not be terminated from a JET program without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A. Good cause must be based on the best information available at the triage and must be considered even if the client does not attend the triage. BEM 233A. In processing a FIP closure, the Department is required to send the client a Notice of Noncompliance (DHS-2444) which

must include the date(s) of the noncompliance, the reason the client was determined to be noncompliant, and the penalty duration. BEM 233A.

In the present case, Claimant testified credibly that he had severe health problems during the time period of the alleged noncompliance. Doctor's notes are consistent with Claimant's testimony. It therefore find that Claimant had good cause for non-participation in employment-related activities.

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 closed Claimant's FIP case. ☒ improperly closed Claimant's FIP case.

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 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. Remove the sanction from Claimant's FIP case.
2. Initiate reinstatement of Claimant's FIP case, effective January 1, 2012 and ongoing if Claimant is otherwise eligible for FIP.
3. Issue FIP supplements, January 1, 2012 and ongoing for any missed or increased payments.

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

Date Signed: 3/14/12

Date Mailed: 3/14/12

2012-29689/SCB

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 Dec ision and Order or, if a ti mely request for rehea ring 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, math ematical error, or other obvious errors in the h earing 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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/sm

cc: [redacted]