IN THE MATTER OF:

████████████
███████████████

Reg. No.:	201268208
Issue No.:	1038
Case No.:	████████
Hearing Date:	October 10, 2012
County:	Wayne (76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 10, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included ████████, Family Independence Manager, and ████████, Family Independence Specialist.

ISSUE

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

☒ Family Independence Program (FIP)?   ☐ Adult Medical Assistance (AMP)?
☐ Food Assistance Program (FAP)?   ☐ State Disability Assistance (SDA)?
☐ Medical Assistance (MA)?   ☐ Child Development and Care (CDC)?
☐ Direct Support Services (DSS)?

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:

   ☒ Family Independence Program (FIP).   ☐ Adult Medical Assistance (AMP).
   ☐ Food Assistance Program (FAP).   ☐ State Disability Assistance (SDA).
   ☐ Medical Assistance (MA).   ☐ Child Development and Care (CDC).
   ☐ Direct Support Services (DSS).

2. On September 1, 2012, the Department
   ☐ denied Claimant's application   ☒ closed Claimant's case
   due to failure to participate in employment-related activities.

3. On July 24, 2012, the Department sent
   ☒ Claimant   ☐ Claimant's Authorized Representative (AR)
   notice of the   ☐ denial.   ☒ closure.

4. On August 1, 2012, 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, R 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, R 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, R 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, R 400.5001 through Rule 400.5015.

☐ Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, et. seq., and Mich Admin Code R 400.3603.

Additionally, in order to increase their employability and obtain employment, work eligible individuals (WEIs) seeking FIP are required to participate in the Jobs, Education and Training (JET) program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (December 1, 2011), p 1; BEM 233A (May 1, 2012), p 1. Failing or refusing to comply with assigned activities or participate in employment and/or self-sufficiency-related activities without good cause constitutes a noncompliance with JET required activities justifying closure of a client's FIP case. BEM 233A, pp 1-2. However, JET participants will not be terminated from a JET program and may not have their FIP cases closed without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p 7.

At the hearing, the Department testified that it sent Claimant a Notice of Noncompliance on July 12, 2012, notifying her of her noncompliance on June 26, 2012 and scheduling a triage on July 20, 2012. Claimant did not participate in the triage. At the hearing, however, Claimant testified that she did come to the Department's office on July 20, 2012, and, because the Notice of Noncompliance did not specify who she was required to meet or even reference the term "triage," she met with her caseworker. However, the Department reviewed the sign-in log for walk-ins and for appointments for July 20, 2012 and July 23, 2012 and did not find Claimant's name in either log. Claimant confirmed that her name did not appear in the logs. Under these facts, Claimant failed to establish good cause for her failure to participate in the July 20, 2102, triage.

At the triage, the Department must consider the noncompliance and whether the client has good cause for the noncompliance even if the client does not attend. BEM 233A, p 8. The Department credibly testified that it held the triage, concluded that Claimant did not comply with her JET requirements and had no good cause for her noncompliance, and sanctioned her FIP case. At the hearing, Claimant testified that she did not continue to attend the JET program on June 26, 2012, after attending the JET orientation on June 25, 2012, because she did not have child care for her child. Claimant testified that she had submitted an application for Child Development and Care (CDC) benefits but was never notified regarding the outcome of that application. The Department testified that it did not have anything in its file showing that Claimant applied for CDC benefits or needed child care. Furthermore, there was no evidence that Claimant ever contacted her JET worker or the Department on June 26, 2012, the date she became noncompliant with the JET program, to explain that she was unable to

3

attend the program because of a lack of daycare. Under these facts, the Department acted in accordance with Department policy when it concluded, based on the evidence before it at the triage, that Claimant did not have good cause for her noncompliance. Accordingly, the Department acted in accordance with Department policy when it closed Claimant's FIP case for noncompliance with employment activities without good cause. Because this was Claimant's second noncompliance, the Department properly applied a second sanction and closed Claimant's FIP case for a six month minimum. BEM 233A, p 6.

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 ☐ DSS.

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 ☐ DSS decision is ☒ AFFIRMED ☐ REVERSED for the reasons stated on the record.

_____
Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: <u>10/19/2012</u>

Date Mailed: <u>10/19/2012</u>

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

ACE/hw

cc: