

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

IN THE MATTER OF:

[REDACTED]

Reg.No. 2012 70525
Issue No. 1038
Case No. [REDACTED]
Hearing Date: October 17, 2012
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 17, 2012. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's cash assistance (FIP) application for failure to attend the Work First Program Orientation.

FINDINGS OF FACT

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

1. The Claimant applied for FIP cash assistance on 5/22/12.
2. The Claimant was assigned to attend the Work First program orientation on July 23, 2012. On that date the Claimant did not attend the orientation.
3. The Claimant did receive the Notice of Appointment. (Exhibit 1)
4. The Claimant was enrolled in a LPN program at the time, but did not provide the Work First program with proof of her school attendance and did not reschedule the Work First orientation appointment.

5. On July 25, 2012, the Department sent a notice of case action to the Claimant denying her FIP application due to her failure to attend the Work First orientation. (Exhibit 2)
6. The Notice of case action denied the application as of March 16 2012.
7. The Claimant requested a hearing on August 14, 2012, protesting the denial of her FIP application.

CONCLUSIONS OF LAW

The Family Independence Program ("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 of Human Services ("DHS" or "Department"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 228 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related activities. BEM 233A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. 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. BEM 233A Failure to comply without good cause results in FIP closure. BEM 233A The first and second occurrences of non-compliance results in a 3 month FIP closure. BEM 233A The third occurrence results in a 12 month sanction.

Noncompliance by a WEI while the application is pending results in group ineligibility. A WEI applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed; see Benefit Delay for Refusing Employment in this item. A good cause determination is not required for applicants who are noncompliant prior to FIP case opening. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2012) pp 5-6.

Good cause is demonstrated when factors outside of the control of the non compliant person causes them to be absent. Illness is such a reason. The Claimant also presented the Department a doctor's note that she was pregnant and was excused from

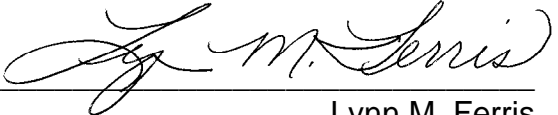
attending Work First. The Claimant credibly testified that she gave the doctor's note to the Department front desk on June 18, 2012. The Department did not have the Claimant's case file at the hearing. The only evidence to rebut that the Claimant did not attend on June 18, 2012 was a document known as the Welfare Registration Participation History, kept by the Work First program, which does not indicate the Claimant did not attend but notes the last date to attend. The Department did not indicate that it spoke to someone at Work First but relied on the history. (Exhibit 2)

Based upon the foregoing, the Claimant did not demonstrate a reason that would constitute good cause for her failure to participate in the Work First orientation. Even though the Claimant was in school, she still needed to report to the Work First program so the program could find whether the Claimant's educational activity was a core activity approved by the program. The Claimant received the Notice of Appointment, and credibly testified that she read the notice and did not report or reschedule her appointment for the orientation. Her caseworker, who was present at the hearing, did not recall receiving a call from the Claimant regarding the Notice of Appointment. The Claimant could not recall the date she called the Department. The Claimant has not demonstrated a good reason for her non attendance at the Work First program orientation. Department of Human Service Bridges Eligibility Manual (BEM) 233A, (2012).

Although the Notice of Case action did not state the correct reason for the denial of the FIP application, it is determined that this error is a harmless error, in light of the testimony of the Claimant that she did not attend the Work First orientation and did not attempt to reschedule her appointment.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law find that the Department properly denied the Claimant's FIP application and thus its determination is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/24/2012

Date Mailed: 10/24/2012

2012 70525/LMF

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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

