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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	20127067 1028 December 15, 2011 Wayne County DHS				
ADMINISTRATIVE LAW JUDGE: Andrea J. Brad	lley					
HEARING DECIS	SION					
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 December 15, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, Participants on behalf of Department of Human Services (Department) included JET Coordinator, and JET Specialist.						
ISSUE						
Did the Department properly deny Claimant's for:	application 🛛 cl	ose Claimant's case				
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?	•	sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?				
FINDINGS OF FACT						
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa	· ·	rial, and substantial				
1. Claimant ☐ applied for benefits ⊠ received be	enefits for:					
Family Independence Program (FIP). Food Assistance Program (FAP). Medical Assistance (MA).		ssistance (AMP). Assistance (SDA). ent and Care (CDC).				

2.	On October 5, 2011, the Department granted the Claimant a deferral from the Jobs, Education, and Training (JET) program requirements.
3.	On November 1, 2011, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to failure to appear at the JET appointment scheduled for October 11, 2011.
4.	The Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
5.	On October 19, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is olemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
Se The Age	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independence ency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
for	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human rvices (formerly known as the Family Independence Agency) administers the SDA

program pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 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, Rule 400.5001 through Rule 400.5015.						
Additionally, the Department 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. A spouse or parent who provides care for a spouse or child with disabilities living in the home is not a WEI and is not referred to the work participation program. BEM 230A						
In this case, the Claimant offered credible and unrebutted testimony that the Department granted the Claimant a deferral from the JET program on October 5, 2011 based on her need to care for a child with a disability. The Department testified that the Claimant was advised that she was not granted a deferral and sent an appointment notice, however, the Department admitted that these statements were made prior to the October 5, 2011 meeting, wherein the Claimant was again granted the deferral. The Department further testified that there had been several different communications made to the Claimant. While it is clear that the Department made a final determination not to grant the deferral, this was not communicated to the Claimant after October 5, 2011 and therefore, she had no way of knowing that she was required to appear for the October 11, 2011 JET appointment.						
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:						
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.						

Accordingly, the Department's \bigsqcup AMP $igtigtigthiangledown$ FIP $igsim$ FAP $igsim$ MA $igsim$ SDA $igsim$ CDC decis	sion
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. The Department shall remove the negative action dated November 1, 2011 and begin to reinstate the Claimant's FIP benefits in accordance with Department policy.
- 2. The Department shall supplement the Claimant for lost benefits she was eligible and otherwise qualified to received but-for the November 1, 2011 case closure.

Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>12/28/11</u>

Date Mailed: <u>12/28/11</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 <u>MAY</u> 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

AJB/hw

