

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

IN THE MATTER OF:



Reg.No. 2012 71299
Issue No. 1038
Case No. [REDACTED]
Hearing Date: October 18, 2012
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

AMENDED 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 18, 2012. The Claimant appeared and testified. [REDACTED] FIS Case Manager appeared on behalf of the Department. This Amended Hearing Decision is being issued solely to correct the issue on this case which did not involve food assistance case closure, but instead involved denial of FIP application for failure to attend Work First orientation and removal of paragraph (6) of Findings of Fact reference to closure of FAP case.

ISSUE

Whether the Department properly denied the Claimant's application for Family Independence Program (FIP) benefits and closed the Claimant's Food Assistance Program (FAP) benefits for failure to attend Work First 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 cash assistance (FIP) in May 3, 2012.
2. The Claimant was assigned to attend Work First orientation on 7/24/12.
3. The Claimant did attend Work First as scheduled, but was turned away by the Work First program due to the Work First program being overbooked.

4. The Department sent the Claimant a Notice of Appointment, dated 7/25/12, to attend 8/13/12 at 8:30 a.m. The Claimant never had an opportunity to attend the appointment due to application denial.
5. The Department denied the Claimant's FIP application, as of June 1, 2012, by Notice of Case Action dated August 7, 2012 for failure to attend Work First. (Exhibit 5)
6. The Claimant requested a hearing on May 9, 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. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2012)

In this case the Claimant did attend the Work First orientation that she was originally assigned to attend, but was turned away by the Work First program due to over booking. The Claimant called her caseworker and was told she should attend the next orientation. The Claimant received a Notice of Appointment dated 7/25/12 to attend August 13, 2012 at 8:30 a.m. but did not attend as the Department denied her application by Notice of Case Action dated 8/7/12.

The Claimant credibly testified that she spoke to a Ms. Hawthorne, of DHS, who never called her back to advise her when to attend; and the only notice of appointment she received from the Department advised her to report 8/13/12. Based upon the

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Claimant's credible testimony and the Claimant's attendance at the original Work First orientation, it is found that the Claimant reasonably believed that she should attend 8/13/12, and therefore the Department's denial of her FIP application was in error.

Under these circumstances the Department should not have denied the Claimant's application for failure to attend, as she was entitled to reasonably rely on the Notice she received and brought to the hearing, telling her to attend on 8/13/12. The fact that the Bridges system sent a notice out in error should not serve to penalize the Claimant for relying on the notice.

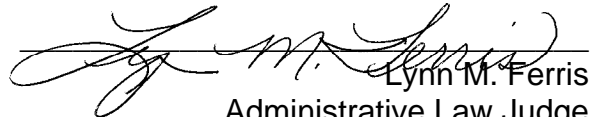
Based on the foregoing facts and testimony of the witnesses, the Department should not have denied the Claimant's FIP application for failure to attend the Work First Orientation, as it is found that the Claimant had good cause for failure to attend. Department of Human Service Bridges Eligibility Manual (BEM), 230A and 233A (2012)

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department improperly denied the Claimant's FIP application for failure to attend the Work First Orientation as the Claimant was not afforded the opportunity to attend the orientation, as the Department denied the Claimant's FIP application before she could attend. Therefore the Department's determination denying the Claimant's application for FIP is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall initiate re-registration of the Claimant's May 3, 2012 FIP application, and process the application to determine eligibility.
2. The Department shall issue a supplement to the Claimant for any FIP benefits she was otherwise entitled to receive in accordance with Department policy.


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

Date Signed: 10/30/2012

Date Mailed: 10/30/2012

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

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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

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cc:

