

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-71486  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Suzanne Morris

**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 [REDACTED] Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] from Child Protective Services (CPS). Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department properly determine the claimant was noncompliant with WF/JET and sanction her Family Independent Program (FIP) benefits for three months?

**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 was short hours during [REDACTED].
2. The claimant was mailed a Notice of Noncompliance (DHS-2444) on [REDACTED] scheduling a triage appointment for her on [REDACTED].
3. The claimant did not attend the triage appointment. The department found no good cause.
4. The department mailed the claimant a Notice of Case Action (DHS-1605) on [REDACTED] [REDACTED] that indicated her FIP case would close effective [REDACTED] due to a first instance of noncompliance.
5. The claimant submitted a hearing request on [REDACTED].

## 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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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 R 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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, the department witness testified that had they received information about the claimant's CPS involvement, they would have deferred claimant from WF/JET participation. However, testimony established that the department had received the information of claimant's CPS involvement. The claimant's CPS caseworker testified

that a complaint was made against the children's father in [REDACTED]. The complaint resulted in termination of parental rights against the father. The complaint also resulted in substantial time for the claimant and her children to be involved in court dates, counseling, forensic appointments, doctor appointments, and other CPS mandated appointments. The claimant testified that her WF/JET counselor was aware of the CPS requirements. It is also clear that WF/JET staff member C. Vollmer knew of the CPS involvement as she references it in a case note dated [REDACTED]. Further, the claimant's current CPS worker testified that she called the claimant's DHS case worker in the beginning of [REDACTED]. This constitutes good cause on behalf of the claimant for her noncompliance.

**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 when [REDACTED].  did not act properly when determining the claimant was noncompliant with WF/JET and sanctioning her Family Independent Program (FIP) benefits for three months.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC 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. Reinstate the claimant's FIP benefits back to the date of closure and issue any retroactive benefits the claimant is entitled to receive.
2. Defer the claimant from WF/JET participation due to her current CPS involvement.
3. Confer with the claimant's CPS worker to determine when claimant is capable of returning to WF/JET and then re-engage claimant with the FIP program.

SO ORDERED.

/s/ \_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

**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

SLM/jk

cc:

  
MAHS