

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

IN THE MATTER OF:

[REDACTED]

Reg.No. 2012 71710
Issue No. 1038
Case No. [REDACTED]
Hearing Date: October 18, 2012
County: Oakland County DHS (04)

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 18, 2012. The claimant appeared and testified. [REDACTED], FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's cash assistance (FIP) 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) on 5/1/12.
2. The Claimant was assigned to attend Work First orientation on 7/24/19/12. (Exhibit 1)
3. The Claimant did not attend Work First as scheduled because she did not receive the Notice of Appointment, dated 7/14/12, until sometime in August after the appointment date of 7/24/12.
4. The Claimant called her caseworker and was advised to report to Work First and show them the late postmarked envelope, which she did.
5. The Claimant's caseworker did not reschedule the orientation.

6. The Department issued a Notice of Case Action on 8/7/12, which denied the Claimant's application on 8/7/12 for failure to attend the Work First orientation appointment. (Exhibit 2)
7. The Claimant requested a hearing on 8/11/12 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

In this case, the Claimant did not attend the Work First orientation she was scheduled to attend because she did not receive the Notice of Appointment until August (after the appointment date). The Claimant credibly testified that when she received the notice she spoke with her caseworker, who advised her to report to Work First and show them the late post marked envelope. At that time the Work First program advised her that her case was closed.

The Department did not rebut the Claimant's testimony about the late receipt of the notice, or that she was told to report to Work First with the notice and late postmarked envelope. The Department also could not say whether the original Notice of Appointment was mailed or hand delivered to the Claimant. The Claimant credibly testified that she did not receive the Notice except through the mail in August. Therefore, the Department's denial of the Claimant's FIP application was in error. Based upon the Claimant's credible testimony, it is determined that the Claimant's case should not have closed for failure to attend the Work First appointment.

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Under these circumstances the Department should not have denied the Claimant's application as she was entitled to reschedule the orientation date and demonstrated good cause why she did not attend the orientation. BEM , 230A and 233A.

Based on the foregoing facts and testimony of the witnesses, the Department improperly denied the Claimant's FIP application for failure to attend the Work First Orientation.

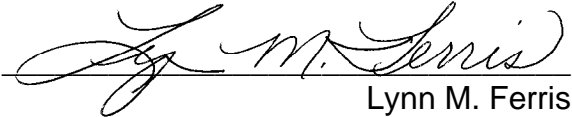
DECISION AND ORDER

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.

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 1, 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: 10/26/2012

Date Mailed: 10/26/2012

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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

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cc:



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