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:	20128411 1038 December 12, 2011 Wayne County DHS (41)
ADMINISTRATIVE LAW JUDGE: Andrea J. Brad	lley	
HEARING DECIS	SION	
This matter is before the undersigned Administration of MCL 400.37 following Claimant's request delephone hearing was held on December Participants on behalf of Claimant included Participants on behalf of Department of Human, Family Independence Manager, and Specialist.	for a hearing. 12, 2011, from the Claimant, Services (Depar	After due notice, a Detroit, Michigan.
ISSUE		
Did the Department properly $igties$ deny Claimant's for:	application	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 F	<u>ACT</u>	
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).	•	esistance (AMP). Assistance (SDA). ent and Care (CDC).

	On September 9, 2011, the Department sent the Claimant a notice requiring her to attend the Jobs, Education, and Training (JET) program on September 28, 2011.
	On October 1, 2011, the Department denied Claimant's application closed Claimant's case due to failure to attend JET and to remain in compliance with JET activities before opening of the Claimant's cash benefits
	On October 3, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the Contact Claimant's Authorized Representative (AR)
_	On October 6, 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).
Res 42 l Age thro	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.
prog impl Reg Age	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) gram] is established by the Food Stamp Act of 1977, as amended, and is lemented 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.
Sec 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). Per 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 ninistered 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 vices (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 applicable Department policy states that failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229.
In this case, the Claimant testified that she moved on September 11, 2011. The Claimant later testified that she received the JET appointment notice and that she failed to attend. The Claimant provided insufficient evidence as to good cause for her failure to appear at the JET appointment and failed to timely request a new JET appointment in order to be in compliance with JET program requirements. Under these facts, the Department established that it acted in accordance with Department policy when it denied the Claimant's application.
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 □ 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 \infty \text{did act properly.} \text{did not act properly.}
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.
Andrea J. Bradley Administrative Law Judge for Maura Corrigan, Director Department of Human Services

20128411/AJB

Date Signed: 12/22/11

Date Mailed: <u>12/22/11</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 <u>MAY</u> 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

