

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

IN THE MATTER OF:

[REDACTED]

Reg.No. 2012 19943
Issue No. 1038
Case No. [REDACTED]
Hearing Date: January 18, 2012
Wayne County DHS (18)

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 January 18, 2012. The claimant appeared and testified. [REDACTED], Case Manager, and [REDACTED], JET Coordinator appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's FIP cash assistance application for non compliance with work related activities without good cause.

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 FIP cash assistance on October 18, 2011.
2. At the time of the application the Department gave the Claimant a series of forms to be completed to support her request for a deferral from attending the JET Program. Exhibit 1
3. The Medical Forms and other information were due originally on October 28, 2011, and the time to submit the documents was extended by the department to November 7, 2011.
4. The Claimant did not provide the requested documents by the deadline. Some of the documents which were provided to the Department contained incomplete information. Exhibit 5

5. The Claimant was reassigned to attend Work First November 14, 2011 by Notice of Appointment dated November 7, 2011. Exhibit 3
6. The Claimant reported to Work First on the appointed date and time and was told she could not attend the program due to her medical information and was told to contact her caseworker.
7. The Claimant attempted to contact her case worker on two occasions, but was unsuccessful, as her caseworker's voice mail was full.
8. The Department denied the Claimant's FIP application on November 16, 2011 by Notice of Case Action dated November 23, 2011 for failing to verify the information that was requested to support the Claimant's deferral.
9. The Claimant filed a request for hearing on December 5, 2011 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 Failure to comply without good cause results in FIP closure. BEM 233A The first and second occurrences of non-compliance results in a 3 month FIP closure. BEM 233A The third occurrence results in a 12 month sanction.

Applicants for FIP benefits who fail to attend orientation are not given a triage and may reapply for benefits.

In this case the uncontroverted evidence is that the Claimant did report to Work First orientation and was turned away by the Work First program and told to report to the Department because of the medical information the Claimant provided. The Department could not say for certain whether the Claimant reported, but the Claimant did credibly testify that she reported to Work First. The Claimant had previously received a Medical Needs Packet, which she was required to have returned and completed by the extended due date of November 8, 2011. The Claimant did not complete the information and forms required of her, and provided outdated medical information. Based up these circumstances, the Department correctly reassigned the Claimant to attend Work First as she did not complete the medical needs deferral information by the due date and the information she did present was both incomplete and not up to date medical. The determination that the Claimant did not complete the medical deferral information by the due date is supported by the documents the Department did receive that were either incomplete or old medical (some of which were submitted after the due date). While the Claimant testified that she turned in all the information she did not present proof of such fact at the hearing, and therefore I find the information was only partially submitted and was not sufficient.

Based on the facts presented the Claimant did report to Work First and was turned away. The application should not have been dismissed, as the Claimant credibly testified that she attended the Work First appointment and was not allowed to participate by the Work First program. Additionally, the Claimant credibly testified that she attempted to reach her caseworker to advise her of the circumstances and that she was told she could not attend Work First. Because the Work First program turned the Claimant away she was not afforded an opportunity to attend the program. Under these circumstances the claimant's application should not have been denied and she should have been returned to Work First.

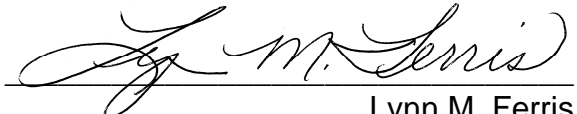
In this case the Department denied the Claimant's application in error. As a result of the Department not being advised by the Work First program that the Claimant had reported and been turned away, the Department denied the application believing that the Claimant had not submitted the deferral medical needs forms and had not attended the Work First appointment. Based upon the record presented, the Claimant demonstrated that she did attend orientation and the Department offered no rebuttal evidence. Given this conclusion the Department denied the Claimant's application in error.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department closed the Claimant's FIP case in error and its decision is REVERSED.

Accordingly it is ordered:

1. The Department shall initiate reinstatement of the Claimant's 10/18/11 FIP application and process the application to determine if the Claimant is eligible to receive FIP benefits in accordance with Department policy.
2. The Department shall issue a supplement to the Claimant for any FIP benefits the Claimant was otherwise entitled to receive, if otherwise eligible, retroactive to the date of application.



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

Date Signed: January 24, 2012

Date Mailed: January 24, 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 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.

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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

LMF/hw

cc:

