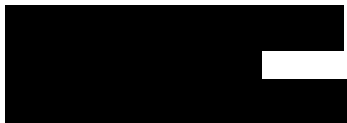


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No: 201240374  
Issue No: 1005  
Case No: [REDACTED]  
Hearing Date: April 17, 2012  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** COREY A. ARENDT

**HEARING DECISION**

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 17, 2012. The Claimant and Agency appeared by telephone and provided testimony.

**ISSUE**

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

**FINDINGS OF FACT**

I find, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. In October of 2011, the Department sent the Claimant a JET Appointment Notice. At this time, the Claimant told her worker, she was disabled and unable to participate. The worker provided the Claimant with the necessary deferral forms.
2. In December of 2011, the Claimant turned in to the Department the completed deferral forms. In the deferral forms, the Claimant indicated she was disabled due to congenital heart disease, depression, sleep apnea and headaches.
3. On January 23, 2012, MRT issued an assessment finding the Claimant was not disabled and had no mental or physical limitations. MRT indicated it reviewed sleep apnea and headaches.
4. On January 27, 2012, the Department sent the Claimant a JET Appointment Notice. The notice required the Claimant to attend WF/JET orientation on February 13, 2012.

5. On or around January 27, 2012, the Claimant contacted the Department. The Claimant told the Department she couldn't participate in WF/JET because she was disabled. The Claimant told the Department she was disabled due to congenital heart disease, depression, sleep apnea and headaches.
6. On February 29, 2012, the Department sent the Claimant a Notice of Noncompliance. The notice was sent because the Claimant failed to attend WF/JET.
7. On March 6, 2012, the Department and the Claimant participated in a duage.
8. On March 8, 2012, the Department sent the Claimant a Notice of Case Action.
9. On March 15, 2012, the Claimant filed a request for a hearing in protest of the March 8, 2012 notice.

### **CONCLUSIONS OF LAW**

The 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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities.

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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the "Participation and Compliance" tab.

When a Medical Review Team decision has been completed and the client states they have additional medical evidence or a new condition, gather new verification and send for an updated Medical Review Team decision.

The FIS must assign and maintain FSSP activities to ensure continued pursuit of self-sufficiency while gathering verification or assisting clients with obtaining medical verification or testing. If testing assistance is necessary; see BEM 232, Medical Exams, Immunizations and Tests for instructions.

When an individual presents a doctor's note after the Medical Review Team decision but does not have new medical evidence or a new condition, send the DHS-518 to the doctor and request supporting medical evidence.

If new medical evidence is not provided, do not send the case back to the Medical Review Team. The previous Medical Review Team decision stands.

Noncompliance is defined by department policy as failing or refusing to do a number of activities, such as attending and participating with WF/JET, completing the FAST survey, completing job applications, participating in employment or self-sufficiency-related activities, providing legitimate documentation of work participation, etc. BEM 233A.

Based on the evidence and testimony presented, I do not find the MRT decision to be very clear. It appears MRT only addressed the sleep apnea and headache issues and not the congenital heart disease or depression issues. For this reason, I find the Claimant raised new medical issues on February 13, 2012 and those issues should have been forwarded on to MRT for a new assessment.

Accordingly, I find the Department's actions are **REVERSED**.

### **DECISION AND ORDER**

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department improperly terminated the Claimant's Family Independence Program (FIP) benefits for noncompliance with WF/JET requirements.
2. The Department is ordered to initiate a redetermination of the Claimant's eligibility for FIP benefits as of March 1, 2012 and to issue retroactive benefits if otherwise qualified and eligible.

Accordingly, the Department's actions are **REVERSED**.

/s/

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Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: April 19, 2012

Date Mailed: April 20, 2012

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CAA/cr

cc:

