

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-52946  
Issue No.: 1038, 1021  
Case No.: [REDACTED]  
Hearing Date: June 14, 2012  
County: Wayne (82-15)

**SUPERVISING ADMINISTRATIVE LAW JUDGE:** Kathleen H. Svoboda

**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 June 14, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for FIP benefits on April 17, 2012.
2. Claimant had previously received FIP benefits but was sanctioned for noncompliance with Jobs, Education and Training (JET) requirements beginning February 1, 2012.
3. On April 26, 2012, the Department denied Claimant's application.
4. On April 26, 2012, a Notice of Case Action was mailed to Claimant advising her of the denial of her application.

5. On May 7, 2012, Claimant filed a Request for Hearing disputing the denial of her application for FIP benefits.

### **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 ACS, 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.

In the instant case, the evidence presented included the Update/View Case Notes from the Michigan Works program admitted as Exhibit 5. In the comment section for January

4, 2012, the notes reflect that a 90-day sanction was placed on Claimant's case for noncooperation.

This sanction began on February 1, 2012. The 90-day sanction period would expire on April 30, 2012. Thus, Claimant's application was premature as the sanction period had not expired.

There was much discussion on the record regarding the length of the sanction period. The Department contends that the sanction period was for 6 months and the Notice of Case Action dated April 26, 2012, and admitted as Exhibit 8, reflects a 6-month sanction period, which conflicts with Exhibit 5 which indicates a 90-day sanction.

Claimant testified credibly that she believed when she attended the triage on January 4, 2012, and signed the Triage Results Form (Exhibit 1), that it was based on the information provided to her that the sanction was only for 90 days as she had poor attendance and had more than two excused absences in the month.

The Update/View Case Notes do reflect a previous triage meeting on September 8, 2011, with a finding of no good cause resulting in a one-day compliance test. The notes further reflect that Claimant did return to Job Search after that triage and the notes do not indicate any sanction was imposed.

There is no evidence that a Notice of Case Action was provided advising Claimant of any alleged sanction imposed after the September 8, 2011, meeting. Claimant testified credibly that she does not recall this meeting being presented to her as a triage, nor does she recall being advised that any sanction was imposed.

The Bridges policy in effect at the time of the first triage upon which the Department relies in asserting that the current sanction in effect is for a 6-month period reads:

The penalty for noncompliance without good cause is FIP closure. Effective April 1, 2007, the following minimum penalties apply:

For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in First Case Noncompliance Without Loss of Benefits below.

For the second occurrence on the FIP case, close the FIP for not less than three calendar months. January 1, 2011 BEM 233A, page 6.

Thus, finding Claimant noncompliant as of September 8, 2011, did not require a sanction. Claimant could have been found noncompliant without loss of benefits according to policy.

The evidence presented at the hearing viewed in conjunction with policy that was in effect at the time of Claimant's first alleged noncompliance does not lead to a conclusion that Claimant's sanction period beginning February 1, 2012, was for 6 months. To the contrary, the evidence presented at the hearing in conjunction with the policy in effect at the time of the first noncompliance suggests that Claimant was not sanctioned after being found noncompliant on September 8, 2011.

Thus, as the triage results from the January 4, 2012, triage found no good cause, the appropriate application of a sanction would reflect a first noncompliance, or 90 days. Finding that the sanction period beginning February 1, 2012, was for a period of 90 days, the Department nevertheless acted in accordance with policy in denying the application since it was filed while the sanction period was in effect.

The Department should delete the notation of a 6-month, or second, sanction from Claimant's case and reflect the appropriate first sanction for 90 days.

Claimant testified that she was told she could apply toward the end of April since her sanction period would expire at the end of April. Unfortunately, as the Department has responsibility to timely process applications, Claimant applied too soon and the Department's actions were in accordance with policy.

### **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 it denied Claimant's application.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.



**Kathleen H. Svoboda**  
Supervising Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 23, 2012

Date Mailed: August 23, 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.

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

KHS/pf

cc:

