

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

IN THE MATTER OF:



Reg. No.: 2012-6915
Issue Nos.: 1028, 3029, 6019
Case No.: [REDACTED]
Hearing Date: January 4, 2012
County: Tuscola

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, an in-person hearing was held on January 4, 2012, in Caro, MI. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

The Claimant filed two hearing requests. One request was filed on April 11, 2011, and the second on October 17, 2011. This decision will address both hearing requests.

ISSUES

1. Whether the Department properly sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases for failure to comply with Work-First?
2. Whether the Department failed to act on the birth of a new family member add for FIP, FAP and Child Development and Care (CDC) cases?

FINDINGS OF FACT

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

1. On March 10, 2011, Claimant was dismissed from Michigan Works due to disruptive behavior. Claimant was informed a TRIAGE would be scheduled for

March 17, 2011, and Claimant informed the Department he had a medical appointment and was not able to attend.

2. On March 23, 2011, a DHS-2444 notice was sent to Claimant informing him of a TRIAGE appointment being scheduled for March 28, 2011.
3. On March 28, 2011, Claimant called the Department and told the Department he was unable to attend due to illness. Claimant was told the TRIAGE would be rescheduled.
4. On March 29, 2011, a sanction action was implemented and a Notice of Case Action was sent to Claimant.
5. On April 11, 2011, Claimant filed a timely hearing request. The negative actions were deleted pending a hearing being held.
6. On April 15, 2011, Claimant was offered a pre-hearing conference and rejected the meeting.
7. On June 19, 2011, Claimant's group size changed as a result of the birth of his daughter.
8. On August 30, 2011, a help ticket was submitted by the Department to have the Claimant's daughter added to his FIP, FAP and CDC cases.
9. On October 6, 2011, the Department was informed that Claimant's daughter had been added to the FAP case. The Department again requested an override to add to the FIP case.
10. On October 6, 2011, BRIDGES issued a notice indicating that, as of November 1, 2011, there would be full FIP closure and a denial for CDC for the Claimant's daughter.
11. On October 17, 2011, Claimant requested a hearing regarding the pending closure of his FIP case, the failure of the Department to add his daughter to his FIP case and the denial of CDC benefits for Claimant's daughter.

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 AACS, 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, Claimant is protesting the sanctions implemented by the Department on his FIP and FAP cases based upon an alleged Work First violation. A TRIAGE was scheduled for Claimant for failure to comply with Work First. Claimant called the Department and informed them he would not be able to make the appointment due to illness. At hearing, the Department acknowledged that Claimant had called in regarding the scheduled TRIAGE. The records submitted by the Department show Work First was made aware of the cancellation of the TRIAGE and was, in fact, waiting for the TRIAGE to be rescheduled. Claimant testified he was told the TRIAGE would be rescheduled. The Department witness testified he was not sure if he had informed Claimant that the TRIAGE would be rescheduled or not. The Department failed to present evidence that the TRIAGE was rescheduled and a new appointment notice was sent to Claimant. Instead, it appears the sanction was implemented without giving Claimant an opportunity to participate in a TRIAGE.

Following the sanction, Claimant requested a timely hearing. The Department reinstated Claimant's FIP and FAP benefits pending a hearing. In [REDACTED], Claimant's daughter was born. Claimant requested his child be added to his cases. The Department attempted to add the new child to the group. The Department had issues with BRIDGES updating Claimant's group size. Claimant filed his second hearing request on October 17, 2011, for the Department's failure to add a member to Claimant's FIP case and the notice of FIP closure he received stating his closure would occur November 1, 2011. The Department filed help desk tickets to fix Claimant's case. The Department intended to add the new child to the case but due to the BRIDGES issue, it required a help ticket. The Department was able to get the case reopened with the appropriate group members and supplement Claimant for the FIP benefits he was due. Claimant agreed with the Department that he had been supplemented the appropriate FIP benefits.

The Department testified that all but the Claimant's request for CDC for his new child had been completed. Claimant requested CDC for his new child effective August 5, 2011. The Department agrees the CDC should be opened back to August 5, 2011.

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 not act properly when sanctioning the Claimant's FIP and FAP case without a TRIAGE and by not opening a CDC case for the Claimant's new child.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the FIP and FAP sanction from the Claimant's case;
2. Reschedule a TRIAGE in accordance with policy regarding the alleged non compliance;
3. Open a CDC case for Claimant's youngest child beginning August 2011.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 18, 2012

Date Mailed: January 18, 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

JWO/pf

cc:

