

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

IN THE MATTER OF:



Reg.No. 2012 72778
Issue No. 1038
Case No. [REDACTED]
Hearing Date: October 22, 2012
Wayne County DHS (35)

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 October 22, 2012. The Claimant appeared and testified. [REDACTED], FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's cash assistance (FIP) application and closed the Claimant food assistance for failure to attend Work First orientation.

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 and advised the Department that she was a victim of domestic violence, and, thus provided an address (her daughter's) where notices could be sent.
2. At the time of her application, the Claimant was homeless living in a shelter with her two sons.
3. The Department sent a Notice of Appointment to the Claimant, dated 7/19/12, for an appointment on 7/30/12. (Exhibit 1)
4. The Claimant did not receive the Notice until the day of the appointment and attempted to call the Department numerous times to reschedule the appointment.

5. The Claimant was unable to reach her caseworker and her application was denied on 8/13/12, by Notice of Case Action dated 8/13/12.
6. The Claimant requested a hearing on 8/20/12 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

In this case the Claimant did not attend the Work First orientation because she was homeless at the time, and was given the notice of appointment by her daughter on the date of the appointment. That day, the Claimant contacted her case worker to advise that she did not attend the appointment and wished to reschedule. The Claimant credibly testified that she attempted to reschedule the orientation appointment with her caseworker (calling several times) but was unable to reschedule. Based upon the Claimant's credible testimony and the Claimant's efforts to reschedule the orientation appointment in a timely manner, it is determined that the Department improperly denied her FIP application and closed Claimant's FAP case for failure to attend the Work First orientation.

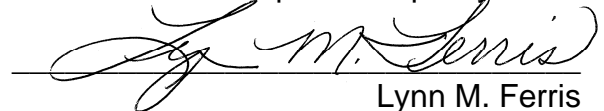
Under these circumstances the Department should not have denied the Claimant's application, as she was entitled to reschedule the orientation date and called to reschedule in a timely manner. The Claimant did everything she was required to do to preserve her application and prevent her case from closing.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department improperly denied the Claimant's FIP application for failure to attend the Work First orientation, as the Claimant was not afforded the opportunity to reschedule the orientation date. Therefore, the Department's determination denying the Claimant's application for FIP is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall initiate re registration of the Claimant's FIP application, which was denied in conjunction with the July 19, 2012 Notice of Appointment, and process the application to determine eligibility.
2. The Department shall issue a supplement to the Claimant for any FIP benefits or she was otherwise entitled to receive in accordance with Department policy.



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

Date Signed: 10/29/2012

Date Mailed: 10/29/2012

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:

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- 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF /hw

cc:

