

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

IN THE MATTER OF:

[REDACTED]

Reg. No: [REDACTED]
Issue No: 1005

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in-person hearing was held on [REDACTED]. Claimant appeared and testified. The Department was represented by [REDACTED] and [REDACTED]. [REDACTED], also appeared and testified.

ISSUE

Did the Department properly close Claimant's FIP benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. Claimant was referred to JET on [REDACTED].
3. The Medical Review Team determined Claimant work ready with limitations in [REDACTED] with the following limitations:
4. Claimant attended JET orientation on [REDACTED].
5. Claimant requested a hearing on [REDACTED] contesting the closure of FIP benefits.
6. A triage meeting was held on [REDACTED] and Claimant was found to not have good cause for failing to participate with JET.

7. Claimant's treating physician, ██████████, provided the following statement dated ██████████. Claimant submitted this letter to the Department on ██████████. "██████████ has a history of chronic hepatitis C genotype 1 with advanced fibrosis but no definitive cirrhosis. She has been started on pegylated interferon and ribavirin with a plan to add boceprevir after four weeks of therapy. She was going to be starting Work First, but did not feel that this was going to be possible while on therapy. On treatment, she developed hives, which resulted in an emergency department visit. She was given ██████████ and therapy was discontinued as of ██████████. She also had arthralgias and nausea and vomiting that was reasonably well controlled with ██████████. I did not feel that she could work while on hepatitis C therapy. Now that she is off therapy, it may take a month or so for her to return to her baseline, and I would recommend that she not start work until at least after ██████████. After that point, she would not have any restrictions for work regarding her liver disease, although she does have some significant underlying mental health problems as well as significant musculoskeletal pain, and I would certainly defer whether or not she should be disabled to her primary care provider, ██████████ and her pain specialist. As far as care regarding her liver disease is concerned, she will now require follow up about every six months with laboratory testing and ultrasound as well as an office visit."

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) 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).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program

██████████/AM

serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant attended orientation for JET on ██████████ but did not report for JET activity following that due to her health problems. Claimant submitted a letter from her treating physician dated ██████████ recommending that she not start work until at least ██████████. These health problems are clearly documented in the ██████████ letter from her physician. This letter was submitted to the Department by Claimant on ██████████ prior to the triage meeting. This Administrative Law Judge finds that Claimant had good cause for failing to participate with JET immediately following completing orientation, due to her health problems related to complications of her hepatitis treatment and these problems were sufficiently documented. Therefore, it was improper and incorrect for the Department to close Claimant's FIP benefits. BEM 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's FIP benefits and it is ORDERED that the Department's decision in this regard be and is hereby **REVERSED**. Claimant's FIP benefits shall be reinstated going back to the closure and the negative action shall be deleted.

Aaron
Administrative
for
Department

Aaron McClintic
McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 02/22/2013

Date Mailed: 02/22/2013

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

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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 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

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cc:

[REDACTED]