

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-17326
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: January 14, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 January 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Partnership Accountability Training Hope (PATH) Worker.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On December 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to a determination that Claimant failed to participate in required work-related activities.
3. On October 25, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On December 10, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the following findings of fact and conclusions of law are entered in this case. On October 1, 2012, the Department sent Claimant a Work Participation Program Appointment Notice requesting her to appear for orientation on October 17, 2012. On October 16, 2012, Claimant saw her doctor and obtained a note stating she could not work from October 16-18, 2012.

Claimant did not inform the Department in advance that she would not be appearing on October 17, 2012 for orientation. On October 22, 2012, she presented the Department with a doctor's note and requested an extension of time in which to attend the orientation.

On October 25, 2012, the Department sent Claimant a Notice of Noncompliance requesting that she appear for a triage conference to determine if there was good cause for her absence on October 17, 2012. Claimant did not receive this Notice.

Bridges Administrative Manual (BAM) 105 requires the Department to determine initial and ongoing eligibility, provide benefits, and protect client rights. BAM 105 also requires clients to cooperate fully with the Department. Department of Human Services Bridges Administrative Manual (BAM) 105 (2012), pp. 1, 5.

At the hearing Claimant testified that she got sick on October 17 and went to the doctor. Then she testified that she became sick the night before. Then, she produced a doctor's note dated October 16, 2012, and admitted she went to the doctor on that date. Claimant's explanation as to why she did not call in advance was she was "too sick to call."

Having reviewed the Claimant's testimony and all of the evidence as a whole, it is found and determined that the Claimant's testimony is inconsistent and also does not establish a good reason for Claimant's choice not to telephone the Department in advance of her October 17, 2012 appointment. It is found and determined that Claimant refused to cooperate fully with the Department by choosing not to call the Department. The Department acted in accordance with its policy and procedure in terminating FIP benefits in this case.

There is another issue presented here, and that is the issue of the triage conference. The Department is required to conduct a triage conference in JET cases, in order to determine if good cause exists to excuse the Claimant from participation in work-related activities. The Department conducted a triage without Claimant present, and found no good cause to excuse Claimant's absence. At the Administrative Hearing, at which Claimant was present, it was also found there was no good cause to excuse Claimant's absence. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2012), pp. 7-8.

As it is found and determined at the Administrative Hearing level that there was no good cause to excuse the Claimant's absence on October 17, 2012, it is unnecessary to return this case to the Department for a triage on this issue. This is because the Claimant has had an opportunity to present her case fully at the Administrative Hearing level, and a second factual hearing would be cumulative and redundant.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department


properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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. did not act properly.

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


Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 15, 2013

Date Mailed: January 16, 2013

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

JL/tm

cc:

