

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

IN THE MATTER OF:

[REDACTED]

Reg. Nos.: 201317627 and
201319257
Issue Nos.: 3008; 1038; 3029
Case No.: [REDACTED]
Hearing Date: January 17, 2013
County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's daughter. Participants on behalf of the Department of Human Services (Department) included [REDACTED], JET Specialist; [REDACTED], Eligibility Specialist; and [REDACTED], Eligibility Specialist and translator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on Claimant's failure to provide requested verifications?

Did the Department properly close Claimant's Family Independence Program (FIP) case based on Claimant's failure to participate in employment-related activities without good cause?

Did the Department properly reduce Claimant's FAP benefits based on Claimant's failure to participate in employment-related activities?

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 was an ongoing recipient of FAP and FIP benefits.

2. In a July 31, 2012, the Medical Review Team (MRT) completed its review of Claimant's medical documents in connection with Claimant's request for a deferral from participation in the Jobs, Education, and Training (JET) program and concluded that Claimant was not disabled and could participate in the program with accommodations.
3. On September 1, 2012, the Department sent Claimant a Work Participation Program Appointment Notice requiring that she attend the JET orientation on September 12, 2012.
4. On September 12, 2012, Claimant went to the JET program and advised them that she could not participate in the program.
5. On September 19, 2012, the Department received (i) a prescription from Claimant's doctor identifying the medical issues that MRT had previously assessed and (ii) a Medical Needs form signed May 2011.
6. On September 25, 2012, the Department sent Claimant a Notice of Noncompliance notifying her of her noncompliance with JET activities and scheduling a triage on October 1, 2012.
7. On October 1, 2012, the Department held the triage, with Claimant in attendance, and concluded that there was no good cause for Claimant's noncompliance.
8. On September 25, 2012, the Department sent Claimant a Notice of Case Action closing her FIP case and reducing her FAP benefits effective November 1, 2012.
9. The Department applied a three month sanction to Claimant's FIP case.
10. On November 9, 2012, the Department sent Claimant a New Hire Notice after becoming aware that Claimant's son, [REDACTED], a member of Claimant's FAP group, was employed and had not reported his employment.
11. On November 30, 2012, the Department sent Claimant a Notice of Case Action closing Claimant's FAP case effective January 1, 2012, based on the failure to return the completed New Hire Notice.
12. On December 17, 2012, Claimant reapplied for FAP benefits and was approved.
13. On December 17, 2012, Claimant filed a hearing request disputing the Department's actions concerning her FIP and FAP cases.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, 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.

Additionally, the hearing first addressed the closure of Claimant's FAP case, which was supposed to become effective January 1, 2013, based on Claimant's failure to return the completed New Hire form. This hearing request was identified under register no. 201317627. During the course of the hearing, evidence was introduced that Claimant

had reapplied for FAP benefits on December 17, 2012, and had been approved. Claimant's FAP case had been reinstated with no interruption in benefits. Claimant confirmed this fact and stated that she was satisfied with the Department's resolution of the issue concerning the closure of her FAP case. The hearing proceeding with respect to the issue of whether the Department properly closed Claimant's FIP case, applied a three-month sanction to the case, and reduced Claimant's FAP benefits for failure to participate in employment related activities without good cause. Subsequent to the hearing, the issue was identified under register no. 201319257.

At the hearing, the Department established that, after MRT found that Claimant was not disabled and could participate in the JET program with accommodations, Claimant was sent to a JET orientation but she did not participate in the program. The Department credibly testified that Claimant did not raise any new medical conditions when she attended the triage but continued to contend that she could not participate in the JET program based on the conditions that had been submitted to MRT. The Department further testified that on September 19, 2012, it received two documents from Claimant: a Medical Needs form signed on May 17, 2011, and a prescription from Claimant's doctor that reiterated the same medical conditions that were identified in the medical documents submitted and reviewed by MRT in connection with its July 31, 2012 finding that Claimant was not disabled. Because neither Claimant nor the document she submitted identified any new medical evidence or condition not previously addressed by MRT, the Department acted in accordance with Department policy when it found no good cause for Claimant's noncompliance and subsequently closed Claimant's FIP case and reduced her FAP benefits by excluding her as a member of her FAP group. BEM 230A (December 1, 2011), p 13; BEM 233A (May 1, 2012), pp 3-5; BEM 233B (December 1, 2011), p 4. Because this was Claimant's first incident of noncompliance with FIP-related employment activities, the Department properly applied a three-month sanction to her FIP case, preventing her from receiving FIP for the period between November 1, 2012, and January 31, 2013. BEM 233A, p 6.

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 closed Claimant's FIP case, applied a sanction to the FIP case and reduced Claimant's FAP benefits.

did not act properly when

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 24, 2013

Date Mailed: January 24, 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

ACE/hw

cc:

