

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-20907  
Issue No.: 1013, 5016  
Case No.: [REDACTED]  
Hearing Date: February 7, 2013  
County: Wayne (57)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**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 conducted from Detroit, Michigan on Wednesday, February 13, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

**ISSUE**

Whether the Department properly terminated the Claimant's cash assistance ("FIP") benefits effective November 1, 2012?

Whether the Department properly closed the Claimant State Emergency Relief ("SER") approval based on the Claimant's failure to meet her co-payment?

**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 was a FIP recipient.
2. On June 1, 2011, a hearing was held before the undersigned regarding, in part, the Medical Review Team's ("MRT") decision finding the Claimant capable of performing work-related activities in accordance with the Jobs, Education, and Training ("JET") program.
3. The Claimant continued to receive FIP benefits without JET participation.

4. The Claimant case transferred to another local office where it was discovered she was not participating with the JET program.
5. On September 10, 2012, the Department sent a Work Participation Program Notice to the Claimant instructing her to attend JET orientation of September 25, 2012. (Exhibit 1, p. 3)
6. The Claimant failed to call or otherwise attend the JET orientation.
7. On October 4, 2012, the Department sent a Notice of Noncompliance to the Claimant instructing her to attend an appointment to discuss whether good cause existed for the JET non-compliance. (Exhibit 1, p. 9)
8. On this same date, the Department sent a Notice of Case Action informing the Claimant that the Department intended on terminated FIP benefits effective November 1, 2012 based on the JET non-compliance. (Exhibit 1, pp. 4 – 8)
9. On November 26, 2012, the Department received the Claimant's written request for hearing. (Exhibit 1, p. 1)

### **CONCLUSIONS OF LAW**

As a preliminary matter, the Claimant requested a hearing regarding the termination of FIP benefits and the closure of her SER application. Each program will be separately addressed.

#### **FIP termination**

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("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, Rules 400.3101 through 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996.

As a condition of FIP eligibility, all Work Eligible Individuals ("WEI") must engage in employment and/or self-sufficiency related activities. BEM 233A (December 2011), p. 1. 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, pp. 4, 5. 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, pp. 3, 4. An individual who identifies barriers, to include being physically or mental unfit for job activity, may be

temporarily deferred from JET participation. BEM 229 (December 2011), pp. 1, 4; BEM 230A (November 2012), p. 12. Recipients determined as work ready with limitations are required to participate in the work participation program as defined by MRT. BEM 230A, p. 12. When a client determined by MRT to be work ready with limitations becomes noncompliant with the work participation program or his/her FSSP assigned activities, BEM 233A is followed. BEM 230A, p. 14.

BEM 233A provides that program participants will not be terminated from the work participation program without first scheduling a triage meeting with the client to jointly discuss non-compliance and good cause. BEM 233A (May 2012), p. 7. Good cause is determined during triage. BEM 233A, p. 7. Pursuant to BAM 220, A Notice of Case Action must provide the reason(s) for the action. BAM 220 (July 2012), p. 9. Clients must comply with triage requirements and provide good cause verification *within* the negative action period. BEM 233A, p. 7. Good cause is based on the best information available during the triage and prior to the negative action date. BEM 233A, p. 8. Good cause must be considered even if the client does not attend the triage. BEM 233A, p. 8. Good cause must be verified and provided prior to the end of the negative action period. BEM 233A, p. 9.

A negative action is the Department's action to deny an application or reduce, suspend, or terminate a benefit. BEM 220 (July 2012), p. 1. The negative action period is the time in between the date of the Notice of Case Action and the date of the intended negative action. The Notice of Case Action must specify the action(s) being taken by the department; the reason(s) for the action; the specific manual item which cites the legal base for the action or the regulation/law itself; and explanation of the right to request a hearing; and the conditions under which benefits are continued if a hearing is request. BEM 220, pp. 1, 2; BAM 600 (August 2012), p. 1. Generally, timely notice is required for a negative action. BEM 220, p. 3. When a client provides information to meet the requirement that caused the negative action, the negative action is deleted. BAM 220, p. 10.

In this case, the Claimant was previously found by the MRT able to perform work-related activities resulting in the Claimant being referred to the JET program. The Claimant requested a hearing which was ultimately held before the undersigned on June 1, 2011. In that case, the Claimant did not right to request a hearing on the MRT determination because at that point, there was no negative action. That being stated, because the Claimant had alleged she was disabled on the September 2010 application, the Department was ordered to make an eligibility determination under the MA-P program. It is unclear if that was done; however, the Claimant continued to receive FIP benefits without JET participation.

When the Claimant's case was transferred to another local office, it was discovered that the Claimant was not deferred from JET participation, nor was there a finding that the Claimant was disabled. As such, the Department properly referred the Claimant to the JET program. The Claimant did not attend the JET orientation, nor was good cause established for the JET non-compliance. As such, the Department properly terminated

FIP benefits based on the failure to comply with the JET requirements without good cause. Accordingly, the Department's actions are AFFIRMED.

### **SER closure**

The State Emergency Relief ("SER") program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by Mich Admin Code, Rules 400.7001 through Rule 400.7049. Department of Human Services', formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM").

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 SER helps to restore or prevent shut off of a utility service to include water services. ERM 302 The utility required payment must be met before utility services are authorized. ERM 302

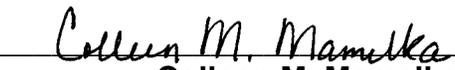
In this case, the Department approved the Claimant's SER application requiring the Claimant meet a co-pay of \$1,083.05. The Claimant did not make her required co-pay resulting in the proper closure of the SER application. Accordingly, the Department's actions are AFFIRMED.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds the Department's established it acted in accordance with Department policy when it terminated the Claimant's FIP benefits based on non-cooperation with the JET program without good cause. The Department further established it acted in accordance with department policy when it closed the Claimant's SER application after the Claimant failed to meet her required co-payment.

Accordingly, it is ORDERED:

1. The Department's termination of FIP benefits is AFFIRMED.
2. The imposition of the 3 month JET sanction is imposed.
3. The closure of the SER application based on the Claimant's failure to meet the required co-payment is AFFIRMED.

  
**Colleen M. Mamelka**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 20, 2013

Date Mailed: February 20, 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

CMM/tm

cc:

