

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



Reg No.: 2013-21054
Issue No.: 1013
Case No.: [REDACTED]
Hearing Date: February 14, 2013
Wayne County DHS (17)

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 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, February 14, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's October 16, 2012 application for cash assistance ("FIP") benefits?

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 Department received the Claimant's application for FIP, Child Development & Care ("CDC"), and Medical Assistance ("MA") benefits on October 16, 2012.
2. On October 26, 2012, the Department sent a Work Participation Program Appointment Notice instructing the Claimant to attend the Work First/Jobs, Education, and Training ("WF/JET") orientation on November 7, 2012.
3. The Claimant moved during the last week of October or the first week of November.
4. The Claimant did not attend the WF/JET orientation.

5. On November 19, 2012, the Department denied the Claimant FIP benefits based on the failure to attend the WF/JET orientation.
6. On December 14, 2012, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

As a preliminary matter, the Claimant applied for FIP, CDC, and MA benefits on October 16, 2012. Food benefits were not applied for. The November 19, 2012 denial addressed the FIP benefits only. The Claimant was approved for MA and was subsequently denied CDC benefits. Accordingly, this decision is limited to the denial of FIP benefits.

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the 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 R 400.3131. FIP replaced the Aid to Dependent Children ("ADC") 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.

Clients are required to report a change in address within 10 days. BAM 220 (November 2012), p. 7.

In this case, the Department received the Claimant's application for public assistance seeking FIP, MA, and CDC benefits on October 16, 2012. Pursuant to policy, the Department sent a WF/JET participation notice to the address contained on the application. The Claimant testified that she had moved during the last week of October or the first week of November and did not receive the appointment notice. As a result of the non-participation, the Claimant's FIP benefits were denied on November 19, 2012. Conflicting testimony was presented regarding when the Claimant notified the Department of her new address. Specifically, the Claimant testified that her mom informed the Department of the new address because they (her mom and the Claimant) had the same case worker. Later, the Claimant testified that she contacted her worker on November 8th and was told to re-apply. Finally, the Claimant testified that she

provided the Department with a new address after she received the denial notice. Ultimately, there was no evidence that the Claimant reported her change of address within 10 days as required by BAM 220. As such, the Department properly denied the FIP application based on the failure to attend the mandatory WF/JET orientation. Accordingly, the Department's actions are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with department policy when it denied the Claimant's FIP application based on the failure to attend the WF/JET orientation.

Accordingly, it is ORDERED:

The Department's FIP determination is AFFIRMED.



Colleen M. Mamelka

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

Date Signed: February 21, 2013

Date Mailed: February 22, 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.

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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:

