

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

**IN THE MATTER OF:**



Reg. No.: 2013-23740  
Issue No.: 1038  
Case No.:   
Hearing Date: February 21, 2013  
County: Wayne (17)

**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 February 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included , Family Independence Specialist and , Work First Case Manager.

**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 or about February 1, 2013, the Department  
 denied Claimant's application     closed Claimant's case  
due to a Department determination that Claimant did not have good cause to excuse  
her failure to participate in the Work First program.
3. On January 7, 2013, the Department sent  
 Claimant     Claimant's Authorized Representative (AR)  
notice of the     denial.     closure.
4. On January 14, 2013, 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, Bridges Eligibility Manual (BEM) 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related Requirements: FIP," is the Department policy that applies in this case. It is necessary therefore to determine if the Department fulfilled the requirements of BEM 233A in this case. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2012).

The following additional findings of fact and conclusions of law are entered in this case. Claimant failed to participate for the required thirty-five (35) hours per week in the Work First program. On January 14, 2013, the Department conducted a triage conference at which the best available evidence was reviewed in order to determine if good cause existed to explain Claimant's failure to participate. The information presented at the triage included Claimant's attendance record, the fact that she was living in a house in which foreclosure proceedings were being initiated, the fact that Claimant was potentially homeless, and the Claimant's attempts to remove barriers to her employment. Dept. Exh. 3.

There are twelve categories of good cause in BEM 233A: the person is employed forty hours, the client is physically or mentally unfit, the client (or spouse or child) has an illness or injury, the employer (or DHS) failed to reasonably accommodate a disability, no child care is available, the available employment involves illegal activities, the client experiences unlawful discrimination at work, an unplanned event or factor occurs, the client changes jobs, the commuting time is excessive, and, the client is receiving

Emergency FIP. BEM 233A explains the twelve types of good cause in more detail BEM 233A, pp. 4-5.

The Department is charged with the responsibility to determine good cause at the triage appointment. It is found and determined that the Department fulfilled its responsibility. It conducted a triage, with Claimant present, and reviewed all of the reasons she was unable to participate in Work First. It is found and determined that the best available information, as required by BEM 233A, does support the Department's conclusion that Claimant's explanations do not meet any of the twelve acceptable reasons for good cause. Category 6, an unplanned event or factor, would be the possible good cause category into which Claimant's explanation could fit. However, Claimant failed to present evidence regarding the immediacy of the foreclosure proceedings. Therefore, the unplanned event did not "significantly interfere" with Claimant's participation Work First, as required by BEM 233A. *Id.*, pp. 5, 7-8.

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
- properly closed Claimant's case
- improperly denied Claimant's application
- 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: February 25, 2013

Date Mailed: February 26, 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:

