

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-26336
Issue Nos.: 1038, 3029
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on March 27, 2013, from Pontiac, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly sanction the Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" 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 checked="" 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 February 1, 2013, the Department
 denied Claimant's application sanctioned Claimant's case due to a failure to participate in employment and/or self-sufficiency- related activities.
3. On January 14, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. sanction.
4. On January 24, 2013, Claimant filed a hearing request, protesting the
 denial of the application. sanction.

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.

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 1999 AC, Rule 400.3001 through Rule 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.

In the instant case, Claimant was sanctioned for a failure to participate in employment and/or self-sufficiency-related activities. Claimant had requested a deferral from the JET program. Claimant's medical information was sent to the Medical Review Team (MRT). On December 11, 2012, Claimant was denied by the MRT. On December 21, 2012, Claimant was sent a JET appointment notice to attend on January 2, 2013. On January 14, 2013, the Department issued DHS-2444, DHS-1605 and a notice of case action regarding Claimant's FIP and FAP case.

On January 17, 2013, the Department received a DHS-54E Medical Needs form from Claimant. The form was signed by Claimant's physician on [REDACTED]. The Department noted the document appeared to be the same form submitted on November

26, 2012, with a new signature date. On January 22, 2013, a TRIAGE meeting was to be held to discuss the missed JET appointment. Claimant failed to appear for the TRIAGE. The Department determined no good cause and sanction was allowed.

After reviewing the documents submitted, this Administrative Law Judge agrees with the Department's opinion regarding the two medical needs forms. Both forms are identical and appear to be the same form copied with a new signature date added. Since the document provides the identical restrictions and medical information as the one previously submitted to MRT for consideration of a deferral from JET, there would be no basis to find the form submitted a second time as a basis for good cause for failing to attend JET. Claimant was provided the opportunity to submit medical evidence regarding her alleged impairments to the MRT for purposes of deferral. The MRT made a determination that her alleged impairments failed to prevent participation with the JET program.

Claimant was sent a notice to attend JET following the denial of her deferral request. Claimant failed to attend the scheduled appointment. The Department properly advised Claimant of the risk of sanction and the TRIAGE appointment being scheduled to allow her an opportunity to provide good cause for missing her appointment. Claimant failed to attend this TRIAGE appointment. The Department made a determination considering Claimant's alleged impairments and determined no good cause.

Since Claimant failed to attend the TRIAGE meeting, Claimant is not then able to come to a hearing to protest and allege reasons for good cause for missing her JET appointment other than what was known to the Department at the time of the TRIAGE. The Department is obligated to complete the TRIAGE process regardless of Claimant appearing or not appearing for the TRIAGE. The Department testified a TRIAGE was held even though Claimant failed to appear. The Department utilized the information they had at the time and found Claimant failed to demonstrate a good cause for missing the JET appointment.

Claimant at hearing disputed whether the sanction being imposed on her case should be a three- or six-month sanction. The Department representative confirmed the sanction should be for three months. The Department testified the sanction counter had been reset so Claimant would only be penalized for three months and not six months.

After considering the testimony and evidence presented, this Administrative Law Judge finds the Department properly followed policy and ultimately properly initiated a case sanction for failure to attend JET.

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.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 2, 2013

Date Mailed: April 2, 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 affect the substantial rights of the claimant:
 - 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

2013-26336/JWO

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

