

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-30874
Issue No.: 1005, 3029
Case No.: [REDACTED]
Hearing Date: March 20, 2013
County: Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 March 20, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP) case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In July of 2012, the Claimant began receiving FIP benefits.
2. On or around August 2, 2012, the Claimant was deferred from the Work First (WF) program for 90 days.
3. On December 1, 2012, the Department sent the Claimant a work participation notice. The notice indicated the Claimant was to participate in a WF orientation on December 17, 2012.
4. On December 17, 2012, the Claimant failed to attend the assigned orientation.
5. At no point in time was the December 17, 2012 orientation rescheduled.
6. On December 31, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP case was closing because the Claimant failed to attend the assigned orientation.

7. On January 2, 2013, the Department sent the Claimant a notice of noncompliance. The notice indicated a triage was to take place on January 9, 2013.
8. On or around January 9, 2013, the Claimant and the Department rescheduled the triage for January 16, 2013.
9. On January 16, 2013, the Claimant failed to attend the scheduled triage.
10. At some point in time between January 16, 2013 and January 23, 2013, the Claimant rescheduled the missed January 16, 2013 triage for January 23, 2013.
11. On January 23, 2013, the Claimant participated in a triage with [REDACTED]. During the triage, the Claimant told [REDACTED] she missed the December 17, 2012 orientation because her children were sick with the flu. The Claimant did not provide [REDACTED] with any medical documentation to corroborate her claims.
12. On or around January 23, 2013, the Department determined the Claimant did not have good cause for missing the December 17, 2012 orientation.
13. This is the second time the Claimant has been noncompliant with WF.

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 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, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

A Work Eligible Individual (WEI), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

In this case, the Claimant missed the scheduled orientation. And the Claimant did not have sufficient proof to show she had good cause for missing the orientation. While the Claimant indicated she tried to reschedule, she did not have any phone records to corroborate her claim. Furthermore, the Claimant alleged she missed the orientation because her children were sick. And again, the Claimant was missing the medical documentation to substantiate her claim.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I find the Department properly closed and sanctioned the Claimant's FIP case.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly closed and sanctioned the Claimant's FIP benefits for noncompliance with WF requirements.

Accordingly, the Department's actions are **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 21, 2013

Date Mailed: March 21, 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

CAA/las

cc:

