

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-31254
Issue No.: 1005, 3029
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Macomb-12 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 27, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [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. On December 5, 2012, the Department sent the Claimant a work participation program appointment notice. The notice indicated the Claimant had an orientation appointment scheduled for December 17, 2012 at 8:30 am.
2. On December 17, 2012, the Claimant arrived at approximately 8:40 am for the scheduled orientation. JET would not let the Claimant in as she had arrived past the scheduled start time.
3. On January 28, 2013, the Department sent the Claimant a notice of noncompliance and notice of case action. The notice of noncompliance indicated the Claimant had a triage scheduled for February 7, 2013 at 9:00 am. The notice of case action indicated the Claimant's FIP case was being closed and sanctioned for failure to attend the JET orientation.
4. On February 4, 2013, the Claimant requested a hearing to dispute the FIP closure.

5. On February 7, 2013, the Claimant participated in the triage. During the triage, the Claimant indicated she was late for the orientation because her daughter overslept.
6. On or around February 7, 2013, the Department determined the Claimant did not have good cause for failing to attend the scheduled orientation on December 17, 2012.

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 only tried to reschedule after she missed her scheduled appointment. The notice clearly indicates that failure to attend the orientation will result in an application denial and indicates the appointment should be rescheduled BEFORE the appointment is missed.

The Claimant argued she was late because her daughter overslept. I do not find this to be a valid "good cause" argument. The Claimant is ultimately responsible for her 11 year old daughter and could have done more to ensure the daughter woke on time.

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 28, 2013

Date Mailed: March 28, 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.

2013-31254/CAA

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:

