

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-33209
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Kent 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 April 4, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly deny the Claimant's Family Independence Program (FIP) application?

FINDINGS OF FACT

I find as material fact, based on the competent, material, and substantial evidence on the whole record:

1. On September 27, 2012, the Claimant applied for FIP benefits.
2. On September 27, 2012 a verification checklist and PATH orientation appointment notice were sent to the Claimant. The verifications were due October 8, 2012 and the appointment was scheduled for October 8, 2012 at 9:00 am.
3. On or around September 27, 2012, the Claimant received the verification checklist and PATH orientation appointment notice. The Claimant read and understood both of the notices.
4. As of October 8, 2012, the Claimant had not returned the requested verifications or attended the scheduled PATH orientation.
5. At no point in time prior to 9:00 am on October 8, 2012 did the Claimant call her DHS Specialist and reschedule her October 8, 2012 appointment.

6. On October 22, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP application was being denied for failing to return the requested verifications and for failing to attend the scheduled PAT H orientation on October 8, 2012.
7. On December 20, 2012, the Claimant requested a hearing.

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. 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 tried to reschedule after she already missed the scheduled appointment, which is too late.

Additionally, clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information.

The Department requested verifications to be returned so they could determine the Claimant's eligibility for the FIP program. There is no evidence the Claimant complied with this request. Although the Claimant testified, she submitted the verifications by

mail, there was no additional evidence to corroborate this claim. Therefore, I find more likely than not, the Claimant did not comply with the Department's verification request.

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

DECISION AND ORDER

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: April 8, 2013

Date Mailed: April 8, 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:

