**IN THE MATTER OF:**

|  |  |
|---|---|
| Reg. No.: | 2013-37987 |
| Issue No.: | 1038 |
| Case No.: | |
| Hearing Date: | April 25, 2013 |
| County: | Wayne (14) |

**ADMINISTRATIVE LAW JUDGE:**  Michael Bennane

## 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 25, 2013, from Detroit, Michigan.  Participants on behalf of Claimant included the Claimant.  Participants on behalf of the Department of Human Services (Department) included ▮▮▮▮▮▮, Assistance Payments Worker and ▮▮▮▮▮▮ Eligibility Specialist.

On June 7, 2013, the case was reassigned to Administrative Law Judge Jan Leventer for preparation of a decision and order.

## ISSUE

Did the Department properly ☒ deny Claimant's application ☐ close Claimant's case for:

| | |
|---|---|
| ☒  Family Independence Program (FIP)? | ☐  Adult Medical Assistance (AMP)? |
| ☐  Food Assistance Program (FAP)? | ☐  State Disability Assistance (SDA)? |
| ☐  Medical Assistance (MA)? | ☐  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:

| | |
|---|---|
| ☒  Family Independence Program (FIP). | ☐  Adult Medical Assistance (AMP). |
| ☐  Food Assistance Program (FAP). | ☐  State Disability Assistance (SDA). |

☐ Medical Assistance (MA).  ☐ Child Development and Care (CDC).

2. On March 13, 2013, the Department
   ☒ denied Claimant's application  ☐ closed Claimant's case
   due to a determination that she failed to participate in work-readiness program requirements.

3. On March 13, 2013, the Department sent
   ☒ Claimant  ☐ Claimant's Authorized Representative (AR)
   notice of the  ☒ denial.  ☐ closure.

4. On March 29, 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," states that customers who fail to attend the required work-readiness programs are not entitled to benefits. In this case there is no dispute that the Claimant failed to attend the work-readiness program. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013), p. 4.

At issue in this case is whether Claimant had a good cause reason for failing to attend the work-readiness program. The Department's testimony was that Claimant informed the Department she decided not to enroll her child in before-school child care because Claimant did not want to catch a bus by herself. At the hearing the Claimant testified that she was late for the bus. The discrepancy between the Claimant's testimony at the hearing and her earlier statements to the Department, cause the Claimant to have minimal credibility as to her reasons for not participating in work-readiness. It is accordingly found that the Department acted correctly in determining that Claimant did not have a good cause reason for her failure to attend work-readiness. The Department's action is correct and shall be affirmed. Dept. Hearing Summary.

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 ☐ improperly denied Claimant's application
☐ properly closed Claimant's case ☐ 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: <u>June 19, 2013</u>

Date Mailed: <u>June 20, 2013</u>

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

JL/tm

cc: ████████
    ████████████████████
    ███
    ███
    ███████████
    ████████████