

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-47693
Issue No.: 1038
Case No.: ██████████
Hearing Date: June 13, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 June 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input 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 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 May 6, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to comply with the work-readiness
requirements for receiving FIP benefits.
3. On May 6, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On May 13, 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, the following findings of fact and conclusions of law are entered in this case.

On April 16, 2013, the Department issued a PATH (Partnership.Accountability.Training.Hope) Appointment Notice requiring Claimant to appear for orientation on Monday, April 29, 2013.

On April 19, 2013, the Claimant called the Department and indicated she would be attending her father's funeral out of state and could not appear on Monday, April 29, 2013. Claimant also indicated she was pregnant, she was recently seen in the Emergency Department with premature cramping, and was told she had a high-risk pregnancy. The Department excused Claimant from the April 29, 2013 orientation.

Also on April 19, 2013, the Department sent Claimant a Medical Needs - PATH form with which to make a formal request for a medical deferral from the FIP work-readiness requirements. Dept. Exh. 1, pp. 6-7.

On April 25, 2013, [REDACTED], [REDACTED], signed the Medical Needs form. It states that Claimant is not to work from May 6, 2013-July 29, 2013. The Medical Needs Form states, "off work @34 wk preg. 5-6-13." *Id.*, p. 6.

On April 29, 2013, Claimant submitted the Medical Needs form to the Department. *Id.*, p. 6.

On May 6, 2013, the Department denied Claimant's application. *Id.*, p. 2.

In this case the Claimant seeks FIP benefits for the period of April 21, 2013-May 31, 2013, a period of more than five weeks. However, it is found and determined that during that period she did not meet the work-readiness requirements, nor did she have a medical needs deferral.

Bridges Eligibility Manual (BEM) 230A, "Employment and/or Self-Sufficiency-Related Activities, FIP," requires FIP customers to work or to be engaged in work-readiness activities. Department of Human Services Bridges Eligibility Manual (BEM) 230A (2013). In this case, Claimant sought a deferral, but her obstetrician provided only a limited deferral which began at a date after the time for which she is requesting benefits.

The plain language [REDACTED] used on the form demonstrates that he calculated Claimant's thirty-fourth week and took her off work in reference to that date. Therefore, Claimant was not excused from work-readiness participation before that date. Because Claimant's physician provided only a limited deferral, it is found and concluded that Claimant was not deferred during the time period in question.

Claimant testified that she requested both a second PATH orientation appointment and a request form for a medical deferral. However, the Department sent out only the medical deferral form because she was instructed not to send high-risk pregnancy clients to PATH. If Claimant still wanted to go to PATH, but did not receive the orientation form, she could have called the Department and requested it a second time. If her request was then denied, she would have had grounds for an appeal.

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

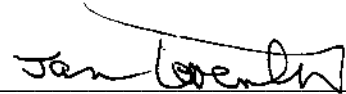
for: AMP FIP FAP MA SDA CDC.

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: June 18, 2013

Date Mailed: June 18, 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
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]