

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-7261
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: January 7, 2013
County: Wayne (18)

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 January 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant were the Claimant, [REDACTED], witness, and [REDACTED], Counselor, Southwest Counseling Solutions. Participants on behalf of the Department of Human Services (Department) were [REDACTED], Eligibility Specialist, [REDACTED], Family Independence Manager, [REDACTED], Jobs, Education and Training (JET) Coordinator, and witness [REDACTED], Michigan Works!, Triage Coordinator.

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 October 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to a determination that a member of Claimant's family group failed to participate
in work-related requirements required in order to qualify for FIP benefits.
3. On September 5, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On October 16, 2012, 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 September 4, 2012, [REDACTED], an adult member of Claimant's family group, failed to submit job search paperwork as required to the Michigan Works program. On September 6, 2012, [REDACTED] advised the Michigan Works that he did not bring in his paperwork on the 4th because he believed noone was at the building. At the hearing he testified he did not bring in his paperwork because he was at a job interview.

On September 13, 2012, a triage conference was held at which Jones did not appear, although he had notice of the triage. At the triage, the Department found there was no good cause for Jones' failure to submit paperwork on September 4th. Dept. Exh. 1, pp. 2-3.

Bridges Eligibility Manual (BEM) 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related Requirements: FIP," requires customers to work or engage in self-sufficiency-related activities. Good cause is required in order not to be found failing or refusing to cooperate. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2012), pp. 1-2.

In this case the witness testimony is inconsistent. Jones gave one explanation for his behavior on September 6, 2012, but at the hearing he testified differently. It is found

and determined that [REDACTED]' statement two days after the event, is more reliable than his hearing testimony at the hearing four months later.

A belief that a building is not open is not good cause to excuse failure to appear to submit job search paperwork. BEM 233A lists twelve good causes: employed forty hours, client unfit, illness or injury, reasonable handicap accommodation, no child care, no transportation, illegal activities at the worksite, discrimination, unplanned event or factor, comparable work, long commute, and, receipt of emergency FIP benefits. The only category in which [REDACTED] actions could qualify is an unplanned event or factor, the seventh category. *Id.*, pp. 4-5.

The unplanned event or factor must fall within one of six types: domestic violence, health or safety risk, religion, homelessness, jail, and hospitalization. *Id.*, p. 5. It is found and determined that [REDACTED] explanation does not qualify in any of these items.

In summary, it is found and determined that Claimant has not established good cause for her group member's failure to appear for self-sufficiency-related activities, and the Department acted correctly in finding there was no good cause at the triage and terminating Claimant's FIP benefits.

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
- properly closed Claimant's case
- improperly denied Claimant's application
- 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: January 8, 2013
Date Mailed: January 9, 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

JL/tm

cc:

