

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201331700
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Muskegon

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. Claimant appeared and testified.

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities?

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 was an ongoing recipient of Family Independence Program (FIP) benefits. Claimant was participating in the Michigan Works Agency/Jobs Education and Training Program (JET) as a mandatory participant.
- (2) The week beginning November 18, 2012, was the last that Claimant participated in JET/PATH.
- (3) On December 5, 2012, Claimant reported medical problems were the reason for her non-participation.
- (4) On December 7, 2012, Claimant was sent a Medical Needs Form (DHS-54a).
- (5) On December 19, 2012, Claimant submitted a medical note to JET. The note was dated December 7, 2012, stated Claimant was unable to work due to chronic back pain, and was signed by a [REDACTED] [REDACTED].
- (6) On January 14, 2012, Claimant was sent another Medical Needs Form (DHS-54a) and specific instructions that the form had to be completed by an MD, DO, FLP or PhD.

- (7) On January 30, 2013, Claimant submitted the Medical Needs Form (DHS-54a) but it was signed by the same [REDACTED] as the December 7, 2012 letter.
- (8) On January 31, 2013, Claimant was sent another Medical Needs Form (DHS-54a) and specific instructions that the form had to be completed by an MD, DO, FLP or PhD and that she would have to participate with JET/PATH until a Medical Needs Form (DHS-54a) was returned with the proper signature.
- (9) On February 7, 2013, Claimant had not attended JET/PATH and the Department had not received an acceptable Medical Needs Form (DHS-54a) to defer Claimant. Claimant was sent a Notice of Non-Compliance (DHS-2444) which stated she had missed her was non-compliant on February 7, 2013 because she did not re-engage and begin JET/PATH participation again. The Notice of Non-Compliance (DHS-2444) scheduled a triage meeting for February 15, 2013. Claimant was also sent Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned beginning March 1, 2013.
- (10) On February 14, 2013, the Department received a fax from [REDACTED]. The fax was a medical note dated February 13, 2013 and states that Claimant's [REDACTED] was in for an appointment on February 7, 2013 between 12:05 pm and 12:37 pm.
- (11) On February 15, 2013, Claimant did not participate in the scheduled meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (12) On February 20, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Claimant does not dispute that she failed to meet her assigned JET/PATH participation requirements. Claimant does not dispute that she did not participate in the scheduled triage meeting. Claimant asserts she has good cause for not participating based on her medical condition. Claimant also asserts she had good cause for missing her appointment at PATH on February 7, 2013 because her [REDACTED] was sick. At this hearing Claimant submitted another Medical Needs Form (DHS-54a) which was signed by a [REDACTED] on March 26, 2013.

The December 7, 2012, letter signed by [REDACTED] stated "This patient suffers from chronic back pain. She is unable to work at this time, pending further evaluation at the pain clinic, and physical therapy." Department of Human Services Bridges Eligibility

Manual (BEM) 230A (2013) states that the verification requirement for a temporary incapacity is a statement from an M.D./D.O. that the person is unable to work, including diagnosis, limitations on activities and expected duration. The December 7, 2012 letter does not meet the verification requirements and does not establish good cause.

The Medical Needs Form (DHS-54a) signed by [REDACTED] on January 25, 2013. This documentation does not meet the verification requirements and does not establish good cause.

The triage meeting was scheduled for 8:30 am on February 15, 2013. The Notice of Non-Compliance (DHS-2444) (Page 8) states that a person should call their specialist BEFORE missing the scheduled appointment. The notice also describes the ability to reschedule the triage or participate by telephone. On February 14, 2013 at 5:45, a fax was sent to Claimant's case worker from [REDACTED]. The fax was a medical note dated February 13, 2013 and states that Claimant's [REDACTED] was in for an appointment on February 7, 2013 between 12:05 pm and 12:37 pm. While Claimant sent in some information, she did not meet the participation requirement to participate in the meeting. In accordance with Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013) pages 1 & 2, Claimant's failure to participate in the scheduled meeting is non-compliance. No further analysis is required to decide this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department properly sanctioned Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 4/12/13

Date Mailed: 4/12/13

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

GFH/tb

cc:

