

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

IN THE MATTER OF:

Reg. No: 201317310

Issue No: 1005

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in-person hearing was held on [REDACTED]. Claimant appeared and testified. Claimant's Attorney, [REDACTED] appeared for the Claimant. The Department was represented by [REDACTED] and [REDACTED].

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was a recipient of FIP benefits and was deferred from the JET program due to medical reasons.
2. On [REDACTED], a JET appointment letter was sent to Claimant requiring that she attend JET prior to [REDACTED].
3. On [REDACTED] Claimant contacted the Department to let them know her medical problems were ongoing.
4. On [REDACTED], the Department sent Claimant forms to assess her current medical status.
5. Notice of Non-compliance for failing to attend JET was to Claimant on [REDACTED], with a [REDACTED] triage date.

6. Claimant did not appear at the scheduled triage meeting. No good cause was found and Claimant's case was processed for closure.
7. Claimant requested a hearing [REDACTED] contesting the closure of FIP benefits.
8. Claimant submitted a medical needs form, completed by her treating psychiatrist, dated [REDACTED], that states she cannot work at her usual occupation or any job.
9. A mental residual functional capacity assessment was completed by Claimant's treating psychiatrist dated [REDACTED] found Claimant markedly limited in 10 of 20 categories.

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, 8 USC 601, *et seq.* The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be

verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.


In the present case, Claimant testified that she did not receive notice of the scheduled triage meeting. Claimant also asserted that she was having difficulty finding someone to complete the medical forms that were sent to her and that the Department should have provided her assistance. The documentation Claimant provided at hearing from her treating psychiatrist clearly establishes that she has significant psychological problems that give her good cause for failing to participate with JET.

This Administrative Law Judge finds that Claimant had good cause for failing to participate with JET due to her psychological problems. Therefore, it was improper and incorrect for the Department to close Claimant's FIP case. BEM 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's FIP benefits and it is **ORDERED** that the Department's decision in this regard be and is hereby **REVERSED**. Claimant's FIP benefits shall be reinstated going back to the date of closure and the negative action shall be deleted. Any missed benefits shall be paid to Claimant in the form of a supplement.

Aaron
Administrative
for
Department


McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/22/2013

Date Mailed: 03/22/2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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 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

AM/kl

cc:

