

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

IN THE MATTER OF:



Reg. No.: 2013-26323
Issue No.: 1038, 3029
Case No.: [REDACTED]
Hearing Date: March 7, 2013
County: St. Clair

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 7, 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?

Did the Department properly sanction Claimant's Food Assistance Program (FAP) 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) and Food Assistance Program (FAP) benefits. It was mandatory for Claimant to participate in the Michigan Works Agency/Jobs Education and Training Program (JET). Claimant asserted she was disabled and could not participate.
- (2) On December 10, 2012, the Medical Review Team reviewed Claimant's medical documentation and determined she was able to participate in JET but with limitations.
- (3) On December 26, 2012, Claimant attended JET and asserted that she should be deferred. On December 28, 2012, Claimant submitted a Medical Needs - JET (DHS 54E) form. (Page 5a) The form does not show a new condition resulting in disability and is not new medical evidence.

- (4) On January 2, 2013, Claimant did not attend JET and was mailed a non-compliance warning which directed her to return to JET on January 7, 2013.
- (5) On January 7, 2013, Claimant did not attend JET as directed. Claimant was sent a Notice of Non-Compliance (DHS-2444) and a Notice of Case Action (DHS-1605).
- (6) On January 16, 2013, Claimant attended a triage meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (7) On January 23, 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACRS R 400.3001-3015.

In this case Claimant does not dispute not attending JET. Claimant asserts good cause based on her statement that she is disabled. The Medical Review Team reviewed Claimant's medical documentation and determined she was work ready with limitations. (Page 1a). The Medical Needs - JET (DHS 54E) form Claimant submitted on December 28, 2012 does not meet the requirements in Department of Human Services Bridges Eligibility Manual (BEM) 230A (2012) "After a Medical Review Team decision has been completed and the client states they have new medical evidence or a new condition resulting in disability greater than 90 days, gather new verification and send for an updated MRT decision. Claimant's Medical Needs - JET (DHS 54E) form of September 26, 2012 (Page 3a) lists diagnoses of low back pain, bilateral knee pain, arthritis, and chronic diarrhea. Claimant's Medical Needs - JET (DHS 54E) form of December 28, 2012 lists diagnoses of low back pain with muscle spasms, bilateral knee pain, S/P surgery slow recovery difficulty standing/walking. Evidence presented at the hearing is not sufficient to establish that Claimant had good cause in accordance with Department policy.

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) and Food Assistance Program (FAP) 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: March 15, 2013

Date Mailed: March 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.

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.

GFH/las

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