

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

IN THE MATTER OF:



Reg. No.	2013-35582
Issue No.	1038
Case No.	[REDACTED]
Hearing Date:	April 15, 2013
County:	Oakland (04)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on April 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included Michelle Peguese, Case Manager.

ISSUE

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in employment-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 FIP benefits and was required to participate in employment-related activities.
2. On February 6, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities and scheduled a triage on February 12, 2013.
3. Claimant participated in the triage.

4. At the triage, the Department allowed Claimant to submit medical information by February 21, 2013, before determining good cause.
5. Claimant submitted information that was available to her prior to February 21, 2013, and submitted the information by the doctor as soon as it was available to her.
6. Claimant had good cause to not participate in employment-related activities.
7. On February 6, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective March 1, 2013, based on a failure to participate in employment-related activities without good cause.
8. On March 15, 2013, Claimant requested a hearing disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are found 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.

As a condition of receiving FIP, clients may be required to participate in work-related activities unless good cause is shown. BEM 233A

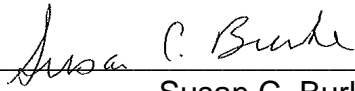
In the present case, Claimant attended a triage in which a good cause determination was deferred by the Department until February 21, 2013 to allow Claimant to submit proof of medical disability. Claimant submitted all of the documentation under her control by the due date (e.g., activities of daily living, verification of applying for social security disability, and authorization to release), but she was unable to submit the medical report, as that was not under her control. I find that Claimant cooperated with the Department as required by BAM 105 and BAM 130 in submitting the documentation as soon as she could. In addition, I find that Claimant had good cause to not participate in required activity, as demonstrated by the document entitled "Excuse Slip," dated January 31, 2013. Exhibit A, p. 1

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Based on the above discussion, I find that Claimant had good cause to not participate in work-related activities, and that the Department was therefore incorrect in closing Claimant's FIP case.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the sanction from Claimant's FIP case.
2. Initiate reinstatement of Claimant's FIP case, March 1, 2013 and ongoing, if Claimant is otherwise eligible for FIP.
3. Issue FIP supplements, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 18, 2013

Date Mailed: April 22, 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,

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- 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

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cc:

