

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

IN THE MATTER OF:

[REDACTED] Reg.
[REDACTED]
Hearing

No: 2013-38454
Case No: [REDACTED]
Issue No: 1038
Date: July 9, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on March 28, 2013. After due notice, an in-person hearing was held on July 9, 2013, at the Washtenaw County DHS office. Claimant personally appeared and provided testimony. The Department was represented by Assistant Attorney General [REDACTED] Family Independence Manager [REDACTED] [REDACTED] PATH [REDACTED] [REDACTED] and PATH Team Leader [REDACTED] [REDACTED].

ISSUE

Whether the department properly closed Claimant's Family Independence Program (FIP) and decreased Claimant's Food Assistance Program (FAP) 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 active in the Family Independence Program (FIP) benefits and a mandatory MWA participant.
2. On February 22, 2013, MWA Career Advisor telephoned Claimant regarding the hours she submitted for the week ending February 10, 2013. Claimant was asked to resubmit her hours because there was missing information in the logs. (Depart Ex. 3).
3. On March 4, 2013, the career advisor met with Claimant briefly and advised her she was missing hours, and she needed to fix her job logs because she was missing telephone numbers and addresses. (Depart Ex. 3).

4. On March 8, 2013, the career advisor determined Claimant to be in non-compliance because she only submitted 7 out of the required 30 hours of job search for the week of 2/10/13; 21 of the required 30 hours of job search for the week of 2/17/13; and 29 out of 30 required hours for the week ending 2/24/13. A non-compliance meeting was scheduled for 3/15/13 and a letter was mailed to Claimant on the same date. (Depart Ex. 3).
5. On March 15, 2013, Claimant met with her career advisor at the noncompliance meeting. Claimant submitted a doctor's note excusing Claimant for 2 weeks due to a gastrointestinal illness. However, the doctor's note did not specify the dates Claimant was to be excused from. Claimant was instructed to resubmit all documentation of job search hours as well as doctor's appointments to help excuse the hours by 3/21/13 at 4pm to remain in compliance. (Depart Ex. 3).
6. On March 22, 2013, a Notice of Noncompliance was mailed to Claimant informing her that due to her failure to participate as required she was scheduled for a Triage on 3/28/13 at 1p.m. A Notice of Case Action was also mailed to Claimant informing her of the closure of FIP benefits beginning 5/1/13 and a decrease of FAP benefits beginning May 1, 2013, for failing to participate in a FAP employment-related activity requirement. (Depart Ex. 3, 8-11).
7. On March 28, 2013, Claimant failed to show for her Triage appointment. Claimant called and left a message that she was unable to attend because she had visitors from out of town. The DHS PAT H coordinator called Claimant and the Triage was conducted by telephone. Claimant stated that she had numerous doctor excuses. Claimant was instructed to turn in the documentation by Monday, April 1, 2013. Claimant pointed out that she did attend the MRS orientation, however PAT H does not excuse hours for MRS attendance. (Depart Ex. 3).
8. Claimant submitted a hearing request on March 28, 2013, protesting the closure of her FIP benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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), Reference Table Manual (RTM), and the Reference Tables Manual (RTM).

Department policy states that Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. The work participation program requirements, education and training opportunities, and assessments will be covered by the work participation program when a mandatory work participation program participant is referred at application. BEM 229.

Federal and state laws require each work eligible individual (WEI) in the FIP and RAPC group to participate in the work participation program or other employment-related activity 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 employment. Apply FIP policy to RAPC cash clients. The work participation program is administered by the Workforce Development Agency, State of Michigan (WDASOM) through the Michigan one-stop service centers. The work participation program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. The work participation program case managers use the One-Stop Management Information System also known as the OSMIS to record the clients' assigned activities and participation. In this item the OSMIS is referred to as the Management Information System (MIS). WEIs not referred to the work participation program will participate in other activities to overcome barriers so they may eventually be referred to the work participation program or other employment service provider. DHS must monitor these activities and record the client's participation in the Family Self-Sufficiency Plan (FSSP). A WEI who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A.

Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
 - Appear and participate with the work participation program or other employment service provider.
 - Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process.

- Develop a FSSP.
 - Comply with activities assigned on the FSSP.
 - Provide legitimate documentation of work participation.
 - Appear for a scheduled appointment or meeting related to assigned activities.
 - Participate in employment and/or self-sufficiency-related activities.
 - Participate in required activity.
 - Accept a job referral.
 - Complete a job application.
 - Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
 - Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/ or self-sufficiency-related activity.
 - Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. BEM 233A.

A good cause determination is not required for applicants who are noncompliant prior to FIP case opening. BEM 233A. The standard of promptness for processing the FIP application begins the date the department receives the application/ filing form, containing the minimum required information. The department then has 45 days to certify program approval or denial of the FIP application. BAM 115.

In this case, Claimant was required to provide job search hours and complete logs. On March 8, 2013, the career advisor determined Claimant to be in non-compliance because she only submitted 7 out of the required 30 hours of job search for the week of 2/10/13; 21 of the required 30 hours of job search for the week of 2/17/13; and 29 out of 30 required hours for the week ending 2/24/13. Claimant testified that she was too ill to complete the required job search hours and her attorney submitted some documentation during the hearing concerning some doctor appointments. However, the Department gave Claimant several opportunities to submit the requested verifications showing she had doctor appointments and Claimant failed to do so. Of note, the only doctor's excuse Claimant submitted did not have the dates for the two weeks of job

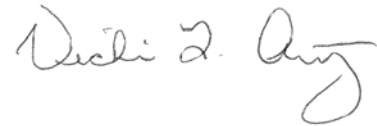
search she was being exc used from, and although the Department gave Claimant an opportunity to resubmit the excuse with dates, Claimant again failed to do so.

Therefore, the Administrative Law Judge finds that Claimant failed to participate as required in employment and/or self-sufficiency-related activities. As a result, based on the material and substantial evidence presented during the hearing, the Department properly closed Claimant's FIP program for noncompliance, based on the information the Department had at the time of the Triage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's FIP benefits and decreased Claimant's FAP benefits. Accordingly, the department's decision is UPHELD.

It is SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 29, 2013

Date Mailed: July 29, 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,

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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

VLA/las

cc:

