

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-38455
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: May 15, 2013
County: Van Buren

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 following Claimant's request for a hearing. After due notice, an in-person hearing was held on May 15, 2013, at the Van Buren County DHS office. Claimant and his wife personally appeared and testified. Participants on behalf of Department of Human Services (Department) included Family Independence Manager [REDACTED] [REDACTED] [REDACTED].

ISSUE

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

FINDINGS OF FACT

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

1. On October 17, 2012, Claimant applied for FIP benefits. FIP was opened effective November 1, 2012. (Hearing Summary).
2. On November 7, 2012, Claimant's treating physician completed a Medical Needs – Jet form indicating Claimant is unable to work at her usual occupation or any job and the limitation would last for more than 90 days. (Dept. Ex. A, p 79).
3. On January 23, 2013, the department forwarded Claimant's request for a disability deferral to the Medical Review Team. (Hearing Summary).
4. On February 25, 2013, an MRT assessment for JET participation project was completed for Claimant indicating that Claimant was work ready with limitations of no more than 2 hours of standing/walking in an 8-hour workday, and occasionally lifting no more than 10 pounds a third of the workday. (Dept. Ex. A, p 71).

5. On February 25, 2013, MRT denied Claimant's request for a deferral from JET. (Dept Ex. A, pp 69-70).
6. On April 1, 2013, the Department closed Claimant's FIP case due to Claimant failing to show for the scheduled PATH appointment on 3/11/13.
7. On March 18, 2013, the Department sent Claimant notice of the closure.
8. On March 28, 2013, Claimant filed a hearing request, protesting the closure of the FIP case.
9. On February 7, 2013, Claimant attended triage. The Medical Review Team (MRT) denied her JET deferral, therefore, based on the MRT denial, the department found no good cause.

CONCLUSIONS OF LAW

Department policies are contained 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, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance. BEM 233A.

A Work Eligible Individual (WEI) and non-WEI's (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), see [BEM 228](#), who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the Participation and Compliance tab. BEM 233A.

If it is determined during triage the client has good cause, and good cause issues have been resolved, the client is sent back to PATH and there is no need for a new PATH referral. BEM 233A.

Good cause includes the client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance. Good cause also includes the client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. BEM 233A.

In this case, the triage was on 3/18/13. At the time of triage, the department had the Medical Needs – Joint form completed by Claimant's treating physician indicating Claimant could not work at her usual occupation or any job and the limitation was expected to last more than 90 days. The participating department members at the hearing indicated they were bound by MRT's denial, despite the evidence submitted and known to them during the triage. Because Claimant's treating physician's opinion is well supported by medically acceptable clinical and laboratory diagnostic techniques, it has controlling weight. 20 CFR 404.1527(d)(2).

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly closed Claimant's FIP case.

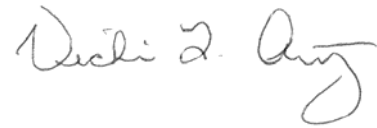
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act properly.

Accordingly, the Department's FIP decision is **REVERSED** for the reasons stated on the record.

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

Reinstate Claimant's FIP eligibility and deferral.



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

Date Signed: May 17, 2013

Date Mailed: May 17, 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,
 - 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

2013-38455/VLA

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cc:

