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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-48040
Issue No.: 1038
Case No.: [redacted]
Hearing Date: June 13, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 June 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted], Family Independence Specialist.

ISSUE

Did the Department properly ☐ deny Claimant's application ☒ close Claimant's case for:

☒ Family Independence Program (FIP)?
☐ Food Assistance Program (FAP)?
☐ Medical Assistance (MA)?
☐ Adult Medical Assistance (AMP)?
☐ State Disability Assistance (SDA)?
☐ Child Development and Care (CDC)?

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 ☐ applied for benefits ☒ received benefits for:

☒ Family Independence Program (FIP).
☐ Food Assistance Program (FAP).
☐ Medical Assistance (MA).
☐ Adult Medical Assistance (AMP).
☐ State Disability Assistance (SDA).
☐ Child Development and Care (CDC).

2. On May 1, 2013, the Department
☐ denied Claimant's application ☒ closed Claimant's case
due to a determination that he did not have a good cause reason for failing to cooperate with work-readiness requirements.

3. On April 19, 2013, the Department sent
☐ Claimant ☐ Claimant's Authorized Representative (AR)
notice of the ☐ denial. ☒ closure.

4. On May 10, 2013, Claimant filed a hearing request, protesting the
☐ denial of the application. ☒ closure of the case.

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

Additionally, this case is about whether Claimant complied with the work-readiness requirements of the FIP benefit program. Bridges Eligibility Manual (BEM) 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related REquirements: FIP," requires customers to participate in job search and other work-related activities as a requirement of receiving cash assistance. If a customer fails to meet the requirement, the Department must determine whether the customer had a good cause reason for his actions. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013).

In this case the Department testified that it conducted a triage conference on April 29, 2013, at which the Department determined that the Claimant did not have good cause for his failure to participate in work readiness. However, the Department's written notes of the conference state that exactly the opposite occurred. The notes state that Claimant was found to have good cause by the Department, and was given a deferral at the conference. The writer of the notes, K. Scott, did not appear and testify at the hearing. The Department could not explain the discrepancy at the hearing. Dept. Exh. 1, p. 4.

Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities," requires the Department to determine eligibility, provide benefits and protect client rights. In this case the Department failed to demonstrate that it protected client rights, when the evidence it presented at the hearing was contradictory and could not be explained. Department of Human Services Bridges Administrative Manual (BAM) 105 (2013).

Having considered all of the evidence in this case in its entirety it is found and determined that the Department violated BAM 105 in that it failed to provide benefits for which Claimant was eligible, and, it failed to protect Claimant's right to those benefits. The Department's action is reversed.

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

☐ properly denied Claimant's application ☐ improperly denied Claimant's application
☐ properly closed Claimant's case ☒ improperly closed Claimant's case

for: ☐ AMP ☒ FIP ☐ FAP ☐ MA ☐ SDA ☐ CDC.

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 act properly. ☒ did not act properly.

Accordingly, the Department's ☐ AMP ☒ FIP ☐ FAP ☐ MA ☐ SDA ☐ CDC decision is ☐ AFFIRMED ☒ REVERSED for the reasons stated on the record.

☒ THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Reinstate Claimant's FIP benefits.
2. Remove all sanctions imposed upon Claimant as a result of the Department's action.
3. Provide retroactive and ongoing benefits to Claimant at the benefit level to which he is entitled.
4. Determine Claimant's eligibility for continuing FIP benefits.
5. Issue a Notice of Case Action which clearly states the reasons for the Department's decision as to Claimant's eligibility for continued benefits.
6. All steps shall be taken in accordance with Department policy and procedure.

Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 18, 2013

Date Mailed: June 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. (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 affect the substantial rights of the claimant,
  - 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

JL/tm

cc: [redacted]