

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No. 2013-56507
Issue No. 1038; 5000
Case No. ██████████
Hearing Date: August 5, 2013
County: Wayne (35)

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 August 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and Claimant's sister, ██████████. Participants on behalf of Department of Human Services (Department) included ██████████.

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 without good cause.

Whether the Department properly processed Claimant's SER application.

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 and was required to participate in employment-related activities.
2. On April 18, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities on January 2, 2013 and March 19, 2013. (Exhibit 3)
3. Claimant did not receive the Notices of Appointment for January 2, 2013 and March 19, 2013.

4. On April 18, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective May 1, 2013, due to failure to participate in employment-related activities without good cause and due to failure to cooperate regarding child support issues.
5. Claimant cooperated with child support issues.
6. On June 28, 2013, Claimant filed a hearing request 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.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

The Department requires Work Eligible Individuals (WEI) seeking FIP to participate in employment and self-sufficiency-related activities. BEM 233A. Failing, without good cause, to participate in employment or self-sufficiency-related activities results in the WEI being penalized. *Id.* Good cause is a valid reason for noncompliance that is based on factors that are beyond the control of the noncompliant person. *Id.*

In the present case, On April 18, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities on January 2, 2013 and March 19, 2013. Claimant testified credibly that she did not receive the Notices of Appointment for January 2, 2013 and March 19, 2013, and the Department did not present such notices for review at the hearing. In addition, Claimant presented a medical needs form showing that Claimant would not be able to participate in work for six months from December of 2012. It is logical to conclude that Claimant had good cause not to participate in the appointments because first, she did not receive notice of the appointments, and second, even if she received them, the medical needs form indicates that Claimant would be physically unable to attend the

appointments. Therefore, the Department was not correct in its decision to close Claimant's FIP case due to failure to participate in employment-related activities.

The Department's Notice of Case Action closing Claimant's FIP also gave as a reason Claimant's failure to cooperate regarding child support issues. However, the Department presented no evidence at the hearing regarding child support issues, and Claimant testified credibly that she was in compliance with child support. Therefore, the Department was not correct in closing Claimant's FIP case due to failure to comply with child support.

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 closed Claimant's FIP case. improperly closed Claimant's FIP case.

In addition, Claimant at the hearing stated that she no longer requested a hearing regarding SER.

DECISION AND ORDER

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

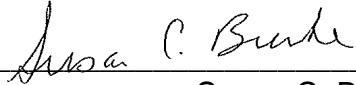
Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

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

1. Remove the JET sanction from Claimant's case.
2. Remove the child support sanction from Claimant's case.
3. Initiate reinstatement of Claimant's FIP case, effective May 1, 2013, if Claimant is otherwise eligible for FIP.
4. Issue FIP supplements for any payment Claimant was entitled to receive, in accordance with Department policy.

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It is FURTHER ORDERED that Claimant's request for hearing regarding SER is DISMISSED pursuant to Claimant's request at the hearing.



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

Date Signed: August 7, 2013

Date Mailed: August 8, 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 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

SCB/tm

cc: [REDACTED]
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[REDACTED]
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