

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

IN THE MATTER OF:



Reg. No.: 2014-7794
Issue No(s): 1008
Case No.:
Hearing Date: February 4, 2014
County: Kent

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Case Manager and , Supervisor

ISSUE

Did the Department properly terminate Claimant's FIP benefits for noncompliance with work 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. On September 3, 2013, Claimant attended JET Orientation.
2. Claimant missed JET Employer related activities on October 1st, 4th, 7th, and 8th.of 2013.
3. On October 1, 2013, Claimant left a voicemail with his JET worker indicating that he was seen in an emergency room on or around that day and would follow up on November 7, 2013.
4. On November 7, 2013, Claimant was seen by his doctor and provided a doctor's note stating that he was able to work with restrictions on November 8, 2013.
5. Claimant did not return to the JET program on November 8, 2013.

6. On October 8, 2013, Claimant was found to be noncompliant with the JET program, and a Triage meeting was set for October 16, 2013, which Claimant did not attend.
7. On October 8, 2013, the Department issue a Notice of Case Action, Closing Claimant's FIP benefits effective November 1, 2013.
8. Claimant requested hearing on October 14, 2013.
9. Claimant wrote on his hearing request that he was told in the ER to rest up and that he would obtain an excuse from the E.R.
10. Claimant testified that he made no attempt to obtain documentation from the E.R.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

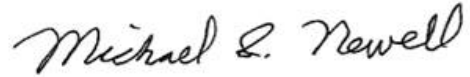
The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, The Department met its burden of proof with respect to the FIP closure. Claimant understood the need for documentation from the hospital, and his doctor's note does not excuse him from work related activities for any date other than November 7, 2013. Claimant testified that he made no effort to obtain any documentation from the hospital. Because Claimant did not provide any documentation regarding the alleged assault and hospitalization, the evidence does not support a finding of good cause for failing to participate in required work related activities.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it cancelled Claimant's FIP benefits effective November 1, 2013.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 13, 2014

Date Mailed: February 13, 2014

NOTICE OF AP PEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

2014-7794/MSN

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

MSN/las

cc:

