

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-020889
Issue No.: 1008
Agency Case No.: [REDACTED]
Hearing Date: January 14, 2016
County: WASHTENAW

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 14, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] and her witness, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Family Independence Specialist, [REDACTED] [REDACTED] and Family Independence Manager, [REDACTED] [REDACTED]

ISSUE

Did the Department properly take action to close the Petitioner's Family Independence Program (FIP) case due to her non-compliance 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. The Petitioner was an ongoing recipient of FIP in the monthly amount of \$ [REDACTED]
2. On October 7, 2015, the Department sent the Petitioner an appointment notice for an appointment on October 19, 2016.
3. On October 28, 2015, the Department sent the Petitioner a DHS-2444, Notice of Non-compliance because she missed her appointment on October 19, 2015. This notice scheduled a meeting for November 5, 2015 to afford the Petitioner an opportunity to report and verify her reasons for missing the appointment.
4. At the November 5, 2015 meeting, the Petitioner presented the Department with documentation of a routine, prenatal care appointment that she attended on

October 21, 2015, wherein she was diagnosed with a short cervix affecting her pregnancy. At the November 5, 2015 triage appointment, the Department determined that the Petitioner had no good cause for her noncompliance. When asked, the Petitioner testified that she booked her doctor's appointment for October 21, 2019 on or around October 7, 2015.

5. On October 28, 2015, the Department closed the Petitioner's FIP case.
6. On November 5, 2015, the Department received the Petitioner's written hearing request protesting the closure of her FIP case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

In this case, the Petitioner testified that she called Michigan works twice; once before the scheduled October 19, 2015 appointment and once after she had missed the appointment. The appointment notice in evidence instructs the Petitioner to call her departmental worker, not Michigan works, to report if she may not be able to make the appointment. The Petitioner testified that she was ill and unable to attend her Michigan works appointment on October 19, 2015 and presented verification of her attendance at an October 21, 2015 doctor's appointment. The Petitioner asserts that the later appointment constitutes verification of the fact that she was too ill two days previously to attend Michigan works. This Administrative Law Judge is not persuaded that the October 21, 2015 verification of the doctor's appointment also verifies that the Petitioner was too ill to attend an appointment two days previously. This is particularly so when the verification of the October 21, 2015 doctor's appointment indicates that the appointment was for a routine prenatal visit. Furthermore, the testimony indicated that it was scheduled two weeks previous to the actual appointment and not in response to any urgent medical situation.

Bridges Eligibility Manual (BEM) 233A (2015), pp. 10, 11, provide that the DHS-2444 Notice of Non-compliance state the date of the Petitioner's non-compliance and the reason why the Petitioner was determined to be non-compliant. In this case, the DHS-2444, Notice of Non-compliance, sent October 28, 2015, gives the Petitioner notice that she was noncompliant on October 19, 2015 because of "no initial contact with MWA."

That notice scheduled a triage meeting for November 5, 2015. At the triage meeting, this Administrative Law Judge concludes that the Department properly determined that the Petitioner had no good cause for her noncompliance.

Bridges Eligibility Manual (BEM) 233A (2015) p. 8, provides that the penalty for noncompliance without good cause is FIP case closure. The Administrative Law Judge therefore concludes that when the Department took action to close the Claimant's FIP case, the Department was acting in accordance with its policy.

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 took action to close the Petitioner's FIP case.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **1/15/2016**

SEH/nr

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

