

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-10578

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 23, 2009

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on February 23, 2009. Claimant personally appeared and testified. Claimant's attorney, [REDACTED] also appeared on her behalf. The Department of Human Services (Department) was represented by a family independence specialist.

ISSUE

Did the Department properly defer Claimant's participation in the Jobs, Education and Training (JET) program pending a decision from the Medical Review Team (MRT)?

FINDINGS OF FACT

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

(1) Claimant is a recipient of benefits under the Family Independence Program (FIP), the Food Assistance Program (FAP), and the Medical Assistance (MA) program.

(2) On August 13, 2008, Claimant's Department worker referred Claimant to Michigan Rehabilitation Services because she has a pending Supplemental Security Income (SSI) case.

(3) Claimant in September 2008 submitted a Consultation Request, form DHS-517. The Consultation Request stated that Claimant suffered from several medical conditions, fibromyalgia, low back pain, OCD and Bipolar. (Exhibit pg. 2).

(4) As a result of this Consultation Request, on October 17, 2008, the Department worker sent Claimant a letter. The letter referred Claimant to the Medical Review Team (MRT). It also informed her that failure to participate in JET "could result in a FIP sanction." (Exhibit pg 4).

(5) On December 4, 2008, the MRT issued a decision that Claimant was not disabled and was ready to work.

(6) As a result of the MRT's December 4, 2008 decision, the Department worker scheduled Claimant for a JET program orientation to be held on December 22, 2008.

(7) Claimant attended the JET program orientation and also reported concerns that she could not participate in JET due to several medical issues that included anxiety, depression and a spinal condition. (Exhibit pg. 3).

(8) Claimant disagreed with the requirement that she participate in JET on the grounds that (1) she cannot work due to medical reasons, and (2) the MRT decision that she was not disabled was not supported by medical evidence and contradicts her doctors' opinions of her medical condition.

(9) The Department received Claimant's hearing request on January 8, 2009. (Exhibit pg. 24).

(10) On January 9, 2009, the Department sent additional medical information that Claimant provided to MRT and deferred Claimant's participation in JET until MRT has made a decision.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. (PEM 230A, pg. 1)

NONCOMPLIANCE

PENALTIES AT APPLICATION

Noncompliance by a WEI while the application is pending results in **group** ineligibility. (PEM 233A, pg 5).

PEM 230 requires that work eligible individuals participate in JET“or other employment-related activities.”In the instant case, the Department has deferred this requirement pending a decision by MRT. Because Claimant provided additional medical information in the attempt to establish that her medical conditions prevent her from working, the Department acted properly in sending the information to MRT. The Department also acted properly in deferring Claimant’s participation in JET until MRT has made a decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly granting Claimant a deferral from participating in JET until the MRT has made a decision based on available medical information.

Accordingly, the Department’s action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 26, 2009

Date Mailed: March 3, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

TLW/cv

cc

