

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: 2009-13337
Issue No: 1005
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 26, 2009
Barry 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 March 26, 2009. The Claimant personally appeared and testified. A case manager represented the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for failure to return requested verifications?

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 had been a FIP recipient and he had a deferral from participation in the Work First/JET program due to physical disability.
- (2) Claimant's case was due for a review in November 2008.

- (3) On November 17, 2008, the Department case manager's search for an SSI/SSA application revealed no current application on file. (Exhibit 17 & 18).
- (4) The Department case manager sent Claimant a Verification Checklist on November 17, 2008, requesting a Medical Needs form, DHS-54A, and a Medical examination, DHS-49, and verification "that you still have a social security case pending." The checklist also stated "if you are no longer disabled, I will be sending you to JET." The deadline for submitting the documents was November 27, 2008.
- (5) The Department did not receive the medical forms by the November 27, 2008 due date.
- (6) On December 2, 2008, the caseworker sent Claimant a second Verification Checklist stating that he was required to attend JET/Work First by the due date of December 12, 2008 (Exhibit 7) and a Work First/JET Appointment Notice informing him that he had JET appointments on December 8, 2008 and December 15, 2008 at [REDACTED] (Exhibit 6).
- (7) On December 19, 2008 Claimant told the caseworker that his physician had misplaced the medical forms. As a result, Claimant asked the caseworker to resend the forms. The caseworker sent him another set of forms on December 19, 2008.
- (8) Claimant did not attend JET/Work First by the December deadlines.
- (9) Consequently, on January 16, 2009, the Department worker sent Claimant a Notice of Noncompliance dated January 16, 2009. The Noncompliance Notice stated that Claimant failed to attend JET on December 15, 2008 and December

22, 2008. In addition, the notice stated that a triage appointment had been scheduled for January 27, 2009 at [REDACTED], the Barry County DHS office. (Exhibit 4).

- (10) The Noncompliance Notice also stated that Claimant had until January 26, 2009, to demonstrate good cause for noncompliance or that the case would close “12 days from the notice date if you fail to keep your appointment.” (Exhibit 4).
- (11) Claimant failed to attend the triage appointment and did not call to report that he was unable to attend the appointment. Consequently, his FIP case closed early in the morning of January 28, 2009.
- (12) After the case had already closed and during the day on January 28, 2009, Claimant submitted the Medical Needs form DHS-54A and Medical Exam, DHS-49.
- (13) Claimant disagreed with the Department’s decision to close his case on the grounds that he had a pending social security case and that he timely submitted the requested medical forms on January 28, 2009.
- (14) The Department received Claimant’s hearing request on February 3, 2009. (Exhibit 2).
- (15) Claimant had received a first noncompliance notice on April 17, 2007 and complied before being disqualified. He received a second noncompliance on July 25, 2007 and was disqualified. (Exhibit 3).

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 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 FOR ACTIVE FIP CASES AND MEMBER ADDS

The penalty for noncompliance without good cause is FIP closure. Effective April 1, 2007, the following minimum penalties apply:

- For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in [First Case Noncompliance Without Loss of Benefits](#) below.
- For the second occurrence on the FIP case, close the FIP for not less than three calendar months.
- For the third and subsequent occurrence on the FIP case, close the FIP for not less than 12 calendar months. (PEM 233A, p. 6).

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

The poster, DHS Publication 478, Help Is Available, must be displayed in the local office lobby. A section of the application form has the same title and information. These documents tell clients that DHS must help persons fill out the application when requested.

In this case, Claimant did not timely submit the requested medical verifications and did not attend a scheduled triage appointment. Claimant explained that he frequently is unable to leave his bed due to his medical conditions and therefore, sometimes, can't get to his mailbox. The evidence presented established that Claimant received notice of the triage meeting. Claimant, however, did not attend and did not call the Department to reschedule or report that he could not attend. In addition, Claimant did not tell the Department worker that he needed assistance in getting his mail or that he needed assistance in getting the verifications from the physician. Under these circumstances, it is found that the Department worker acted reasonably in closing Claimant's FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed Claimant's FIP case.

