

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: 2009-14520

Issue No: 1038, 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 8, 2009

Calhoun 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 April 8, 2009. Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUES

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits on the grounds that he failed to comply with the Jobs, Education and Training (JET) program requirements without good cause?

Did the Department deny Claimant's application for Medical Assistance (MA) benefits for failure to provide birth certificates for two minors who lived with him?

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 applied for FIP and MA benefits on November 10, 2008. Claimant is also a Food Assistance Program (FAP) recipient. His FAP benefits are not an issue in this matter.
- (2) Claimant received a Work and/or Self-Sufficiency Rules for Cash Recipients, a DHS-1538 form, dated November 19, 2008. This document informed him that his participation in the JET program was mandatory. (Exhibit 2).
- (3) In addition, on November 19, 2008, the caseworker provided him with a JET Appointment Notice, DHS-4785, stating that he was scheduled for a JET appointment on November 24, 2008 at 9:00 am at Work First, [REDACTED] in [REDACTED]. (Exhibit 3).
- (4) Because claimant misplaced this form, he repeatedly called his caseworker to ask her to confirm the date he was to appear at JET.
- (5) The caseworker did not return his calls.
- (6) Claimant inadvertently missed his JET appointment.
- (7) In addition, on November 19, 2008, the Department worker gave Claimant a Verification Checklist, DHS-3503, requesting that by December 1, 2008, he submit proof of citizenship for his minor son, [REDACTED] and another minor, [REDACTED] who were both living with him. (Exhibit pgs. 4 and 5). This verification was requested to determine eligibility for the MA program. The caseworker's notes indicate that she told Claimant to provide birth certificates for [REDACTED]. (Exhibit 1). Claimant also asserted that the caseworker told him to provide birth certificates.

- (8) Claimant did not have birth certificates for either boy. He believed his son's mother had his son's birth certificate. Claimant had to get [REDACTED] birth certificate from [REDACTED] mother, who had asked Claimant to allow her son to live with him to help her son perform well in school and to avoid the negative influence of peers.
- (9) Claimant eventually obtained his son's birth certificate from the courthouse and [REDACTED] birth certificate from [REDACTED] mother. Claimant, however, did not obtain the birth certificates until after the December 1, 2008 deadline had passed.
- (10) Claimant's MA and FIP applications were denied. Claimant disagreed on the grounds that he needed assistance to properly care for himself and the boys.
- (11) The Department received Claimant's hearing request on February 3, 2009.
(Exhibit 7).

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).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA

program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The uncontested evidence presented established that Claimant failed to provide birth certificates for the minor boys who lived with him before the deadline. The Department worker requested the birth certificates to establish proof of citizenship required for Medicaid eligibility. Consequently, based on the information available to the Department at the time, Claimant's application for the MA program was denied.

Claimant desired to participate in JET and planned to do so. Claimant, however, needed to ask his caseworker to confirm the date of his first JET appointment because he had misplaced his notice. Claimant called his caseworker several times to ask her for the date. Therefore, it is found that Claimant asked for assistance and did not receive it because the caseworker did not return his calls. Furthermore, the caseworker did not participate in this hearing. Consequently, the Department did not dispute Claimant's testimony that he could have called before the date of his JET appointment. Under these circumstances, it is found that Claimant's application should not have been denied for failure to attend his JET orientation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's action is PARTIALLY REVERSED in that the Department properly denied his application for MA benefits but improperly denied his application for FIP benefits.

