

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: 2009-14591  
Issue No: 1038  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 7, 2009  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on April 7, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in December, 2008?

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 was a FIP recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when the department mailed her a WF/JET appointment notice telling her she had to report to WF/JET site on October 27, 2008 (Department's Exhibit #2).

2. Claimant did not attend WF/JET. On December 6, 2008, department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for December 16, 2008, to discuss claimant's reasons for not attending WF/JET (Department's Exhibit #5).

3. Claimant did not show up for the triage appointment and department determined she had no good cause for not attending WF/JET (Department's Exhibit #14).

4. Claimant's FIP benefits terminated on December 18, 2008. Claimant's hearing request was received on January 26, 2009, at Wayne County DHS Change Reporting Center, as it is stamped on this date. Wayne County however, considered the hearing request to be received on February 18, 2009; because that is the date it was received at a local district office.

5. Claimant provided a letter from a Manager of U.S. Post Office dated January 26, 2009, stating that a large tree damaged her home and her mail was returned noting the home was vacant due to the erroneous conclusion by the mail carrier that the home was vacant (Department's Exhibit #1).

6. Department's Hearing Summary states that U.S. Post Office letter does not state when mail stopped being delivered to claimant's address, and there is no indication that DHS staff tried to contact the Post Office Manager to find this out, even though her telephone number is listed on the letter.

7. Claimant stated in her hearing request that she was under doctor's care, and also that she has tried to call her caseworker 7 times or more and has not been able to reach her.

8. Claimant's caseworker was not present at the hearing. An extension was given so the claimant could provide further information from the Post Office as to exact dates when her mail was not delivered for the department to verify, a statement from her caseworker as to whether the claimant indeed called her 7 or more times to report problems with mail, if there is

any medical information in claimant's file about her alleged medical problems, and statement from DHS chore services whether the claimant reported any hours of home health provider care for the period of time in question.

9. On April 15, 2009, claimant faxed a statement from the Post Office saying that the dates of non-delivery were November 15, 2008 through December 28, 2008. Department has not provided any requested additional information.

### 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 (DHS or department) 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).

Departmental policy directs that all non-deferred FIP recipients participate in WF/JET activities. PEM 230A. When a client fails to do so, a triage is to be scheduled to determine if there is good cause for them not doing so. PEM 233A. This was done in claimant's case, however claimant has testified and subsequently verified that her mail was not delivered to her address from November 15, 2008 through December 28, 2008. Claimant also testified that she had called her caseworker at least 7 times to report problems with her mail delivery, but that she never returned her calls. Claimant's caseworker was not available for the hearing. Despite giving the department 10 days to provide additional information to respond to claimant's testimony, department has failed to do so. Therefore, this Administrative Law Judge concludes

that the claimant did not receive her mail informing her about her triage appointment, and also that her testimony that she called her caseworker to inform her of problems with her mail prior to her FIP case closure is credible as department failed to dispute it.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly terminated claimant's FIP benefits in December, 2008.

Accordingly, department's action is REVERSED. Department shall:

1. Reinstate claimant's FIP benefits retroactive to December 18, 2008 closure.
2. Issue the claimant any FIP benefits she did not receive as a result of this closure.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 22, 2009

Date Mailed: April 23, 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.

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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.

IR [REDACTED]

cc:

[REDACTED]