

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: 2009-14687

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 13, 2009

Ingham 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 13, 2009. Claimant personally appeared and testified. Claimant's sister appeared as her Spanish language interpreter. A family independence manager represented the Department.

ISSUE

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

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 benefits on November 10, 2008.

- (2) Claimant was required to participate in Work First/JET. She was referred to Work First/JET on December 4, 2008.
- (3) Claimant attended JET until December 16, 2008. Claimant did not attend JET as scheduled on December 16, 2008 because her one-year child was sick with a fever.
- (4) Claimant was unable to take the child to the hospital on December 16, 2008 because it “was snowing bad” and the baby had a fever.
- (5) On Wednesday, December 17, 2008, Claimant reported to JET. Her Work First/JET caseworker was not at work that day. Her mother took care of her sick child while she attended JET.
- (6) Claimant took her child, who was still ill, to the [REDACTED] at [REDACTED] [REDACTED] on December 18, 2008. (Exhibit 1-3, Medical documents).
- (7) Claimant also returned to JET the next day, December 18, 2008. That day when Claimant arrived at the Work First/JET office, her caseworker told her that her FIP case had already been closed due to her failure to attend JET on December 16, 2008.
- (8) The Department’s records indicate that Claimant’s application was denied on December 26, 2008 on the ground that “client failed to participate with Michigan Works as required.” (Exhibit 4-5, Application Eligibility Notice, DHS-1150).
- (9) Claimant disagreed on the grounds that she offered medical documentation to support why she was absent on December 16, 2008.
- (10) The Department received Claimant’s hearing request on January 5, 2009.

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 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).

The uncontested evidence presented established that Claimant missed her Work First/JET appointment on December 16, 2008 due to the illness of her one-year-old child and that Claimant obtained medical documentation of the child's illness. Furthermore, the uncontested evidence also established that on December 18, 2008 Claimant had been told that she could not return to Work First/JET because her case had been closed. However, the Application Eligibility Notice submitted as Exhibit 4-5 established that Claimant's application for FIP had not been denied until December 26, 2008. Therefore, it is found that Claimant had been misled by the statement that her case had been closed. Despite having timely provided documentation of her good cause for absence from JET on December 16, 2008, the Department denied her application on December 26, 2008. Under the circumstances, it is found that the Department improperly denied Claimant's FIP application on the grounds that she failed to participate in Work First/JET.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly denied Claimant's application for FIP benefits.

Accordingly, the Department is ORDERED to open Claimant's FIP case to the date of her November 10, 2008 application, and to issue the retroactive FIP benefits that Claimant was eligible to receive had her application not been improperly denied on December 26, 2008.

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

Date Signed: 04/20/09

Date Mailed: 04/22/09

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.

TW/dj

cc:

