

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: 2009-15274  
Issue No: 1038  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 14, 2009  
Genesee 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 14, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in January, 2009?

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 her caseworker received an e-mail from WF/JET staff on January 9, 2009, requesting a triage due to no participation (Department's Exhibit #1).

2. On January 12, 2009, department mailed the claimant a Notice of Noncompliance to a [REDACTED], scheduling a triage appointment for January 16, 2009. The notice stated that “client’s LDC was 11/21/08”. (Department’s Exhibit #2).

3. Claimant was a no show for the triage. On January 12, 2009, department completed a Good Cause Determination form finding no good cause and stating that claimant’s last day of contact was 11/21/08.

4. On January 12, 2009, department also took action to terminate claimant’s FIP benefits by entering a negative action code on department’s computer system. The code generated a negative action notice to be mailed to the claimant at [REDACTED], address. (Department’s Exhibit #4).

5. Claimant’s FIP benefits terminated on January 24, 2009. Claimant requested a hearing on February 19, 2009, stating her paperwork and address were all mixed up, and she was also assigned the wrong caseworker.

6. Claimant also provided a letter from a domestic violence shelter dated April 12, 2009, saying she and her two children were residents there from November 22, 2008 to December 6, 2008. This letter was faxed to the Administrative Law Judge following the conclusion of the hearing.

#### 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).

This hearing is about the claimant's FIP case being closed due to her alleged failure to participate with WF/JET and her subsequent failure to attend the triage appointment. PEM 230A and 233A. However, prior to even considering what the claimant did or did not do as it pertains to WF/JET, consideration must be given to claimant's testimony that she was never at a [REDACTED] address that department sent her mail to. It is noted that the caseworker that handled claimant's case is not available for the hearing, and another caseworker participated in the hearing.

Claimant stated that she was in a domestic violence shelter from November 22, 2008, to December 6, 2008, and provided verification that this was true. The fact that the claimant entered this shelter on November 22, 2008, would explain why she had no contact with WF/JET since November 21, 2008. Claimant further stated that her caseworker was fully aware that she was in the shelter, as she called her and reported this. Departmental policy addresses good cause for a client's failure to participate in WF/JET activities and lists the following as one of the acceptable reasons not to do so:

**Unplanned Event or Factor**

Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. Unplanned events or factors include, but are not limited to the following:

- . Domestic violence.
- . Health or safety risk.
- . Religion.
- . Homelessness.
- . Jail.
- . Hospitalization.

PEM 223A, pp. 4-5.

As stated, claimant's caseworker is not available for the hearing. While it is apparent from the hearing request that the claimant is stating there has been confusion in her addresses, no notes or explanations to respond to claimant's statement are in the case record. Therefore, claimant's testimony that her caseworker knew about her being in a domestic violence shelter is found to be credible, and would be an acceptable reason to have possibly temporarily deferred the claimant from WF/JET participation.

Furthermore, claimant testified that she contacted her worker about [REDACTED] address in January, 2009 when she applied for State Emergency Relief (SER) to possibly assist her with deposit and rent to move into this address. Claimant's case record shows that her caseworker updated 2 different addresses for her in January, 2009. Claimant states she never moved into [REDACTED] address, and it is unknown why her caseworker would assume she did. The fact that the claimant applied for SER in January, 2009, lends further credibility to her testimony that she was in a domestic violence situation and that her caseworker was aware of it.

In conclusion, it does appear from claimant's hearing testimony and evidence presented by the caseworker not familiar with the claimant's case that there was indeed confusion about the claimant's correct address, and that she was mailed triage appointment notice and case closure notice to an address she never lived at. The caseworker present at the hearing was placed in a position of having only claimant's case record to search through during the hearing. It cannot be ascertained if there is some additional paperwork elsewhere that could show that the department's actions were correct. Claimant's own caseworker is neither available for the hearing, or has left any type of written documentation responding to claimant's hearing request that clearly states her position that department mixed up her addresses.

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 January, 2009.

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

1. Reinstatement claimant's FIP benefits retroactively to January 24, 2009 closure.
2. Issue the claimant any FIP benefits she did not receive as a result of January 24, 2009 closure.
3. Notify the claimant in writing of department's determination.

SO ORDERED.

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

Date Signed: April 21, 2009

Date Mailed: April 22, 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.

IR [REDACTED]

cc:

[REDACTED]