

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: 2009-16045
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 27, 2009
Eaton 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 27, 2009. Claimant personally appeared and testified. A family independence manager and a family independence specialist represented the Department.

ISSUE

Did the Department properly close 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 was a FIP benefits recipient. She received \$489 in monthly FIP benefits.
- (2) Claimant was required to participate in Work First/JET. Claimant, however, contends that she was unable to participate due to medical reasons.

- (3) On November 20, 2008, the Department sent Claimant a Verification Checklist, DHS 3503, requesting that she submit a Medical Needs document, form DHS 54-A and a Medical Examination Report, form DHS-49, by the December 1, 2008 deadline. (Exhibit 12).
- (4) Claimant asserted that she delivered the documents to her physician.
- (5) Claimant failed to return the completed Medical Needs and Medical Examination Report to the Department by the deadline.
- (6) Consequently, on December 29, 2008, the Department sent Claimant a notice that she was required to participate in JET. In addition, the Notice informed her to attend JET on January 5, 2009 and January 12, 2009 at 9:00 am. (Exhibit 13).
- (7) Claimant neither reported to JET on January 5, 2009 nor January 12, 2009. Claimant contends that she did not receive the notice to report to JET.
- (8) On February 3, 2009, the Department sent Claimant a Notice of Noncompliance to inform her that a triage had been scheduled for February 11, 2009 to allow Claimant the “opportunity to report and verify your reasons for non-compliance.” (Exhibit 2).
- (9) Claimant did not attend the meeting and asserted that she did not receive this Notice of Noncompliance.
- (10) On February 13, 2009, the Department sent Claimant a Notice of Case Action stating that her case would be closed from March 1, 2009 through May 31, 2009 due to a second failure to participate in work-related activities. (Exhibit 5-6).
- (11) Claimant asserted that she received this notice and requested a hearing on March 6, 2009.
- (12) Claimant’s case was closed on February 15, 2009.

- (13) The Department received Claimant's hearing request on March 6, 2009 at the Eaton County office. (Exhibit 29).

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. (BEM 230A)

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. (BEM 233A).

Although Claimant delivered the Medical Needs and Medical Examination Report to her physician, she did not follow-up to make sure the Department received these documents by the deadline of December 1, 2008, which was Claimant's responsibility. She also did not ask the Department for assistance in obtaining the medical documentation from her physician. Claimant had no reason to believe that she had received a deferral. Under the circumstances, the Department properly determined that Claimant's case should be closed for failure to attend JET based on the information available to the Department.

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 for failure to comply with JET requirements.

Accordingly, the Department's action is AFFIRMED.

/s/

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

Date Signed: 04/30/09

Date Mailed: 05/04/09

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.

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