

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: 2009-16517

Issue No: 1038, 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 23, 2009

Wayne 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 23, 2009. Claimant personally appeared and testified. A Michigan Works triage coordinator appeared and testified. The Department was represented by a family independence manager and a family independence specialist.

ISSUES

Did the Department properly close Claimant's Family Independence Program (FIP) case and Medical Assistance (MA) cases 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 is a FIP and MA recipient. She receives [REDACTED] in monthly FIP benefits.

- (2) Claimant was attending Michigan Works/JET in November 2008.
- (3) Because Claimant was injured in November 2008, a Michigan Works/JET representative told her to go to the Department and ask her Department caseworker for a deferral from participating in JET. Claimant did so.
- (4) Claimant asserted that she told her Department worker that she was seeking a deferral due to her injury. The Department worker asked her to bring a copy of her police report and provide the reason she was requesting a deferral from JET. Claimant provided the police report and her reason for asking for the deferral.
- (5) Upon receiving the documentation, the Department worker told Claimant that she would take care of her request and get back to her.
- (6) Claimant did not hear from the Department again until she received a notice of negative case action in January 2009 for failure to attend JET. The notice also stated that a triage meeting had been scheduled for January 29, 2009.
- (7) Claimant did not attend the triage but went to the department the next day to reschedule the meeting. At that time, she was told that her case had been transferred to another Wayne County Department office in Detroit.
- (8) The Department closed Claimant's FIP and MA cases on February 3, 2009 for failure to attend JET.
- (9) The Department timely received Claimant's hearing request on March 11, 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).

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).

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).

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (BAM 105)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105)

Claimant's Michigan Works/JET representative told her to seek a deferral from JET from her Department worker due to injuries the Claimant suffered in [REDACTED]. Claimant requested a deferral from her worker and provided the worker with documentation the worker requested. Claimant then did not hear back from the worker. At the hearing, the Department representative stated that the Department would reopen Claimant's case to the date it was closed and issue any retroactive benefits Claimant was eligible to receive.

In addition, Claimant's testimony was credible. This Administrative Law Judge finds that, under the circumstances, Claimant's case should not have been closed because she relied on the caseworker's statement that she would take care of her deferral request. Therefore, it is found that Claimant did not fail to cooperate with the Department. To the contrary, her actions indicate that she made a reasonable effort to cooperate with the Department, which did not respond to her request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed Claimant's FIP and MA cases as a sanction for noncompliance with JET requirements.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to reopen Claimant's FIP and MA cases retroactive to the date her cases were closed and issue any retroactive benefits Claimant would have received if her cases had not been improperly closed.

/s/

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

Date Signed: 04/28/09

Date Mailed: 04/28/09

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:

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