

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: 2009-17172
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 29, 2009
Ionia 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 29, 2009. Claimant personally appeared and testified along with her ex-boyfriend [REDACTED].

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 an [REDACTED] also receiving FIP benefits for her daughter when she contacted the department on November 19, 2008 to add her boyfriend, [REDACTED], and their newborn child to her FIP case. (Department's Exhibits 1-17).

(2) [REDACTED] claimed to have medical problems and was provided with a Medical Needs form to be completed by his doctor. This form was returned to the department indicating that [REDACTED] could participate in job employment training program through Michigan works, and no limitations were listed. (Department's Exhibit 18).

(3) [REDACTED] was then referred to Work First/Jobs, Education and Training (WF/JET) program and attended orientation on December 8, 2008. [REDACTED] and his new baby were added to the claimant's FIP case on December 9, 2008.

(4) On December 18, 2008 WF/JET staff advised the department that [REDACTED] stopped attending WF/JET. On December 22, 2008 department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for [REDACTED] to discuss his reasons for WF/JET noncompliance. (Department's Exhibit 28).

(5) [REDACTED] was a no show/no call for the triage and claimant's FIP case closed on January 3, 2009. Claimant subsequently called the department to say that [REDACTED] was out of the home and asking for FIP to stay open.

(6) Claimant was told that her case had already closed and would remain so even if the noncompliant person left the home. Claimant was also told that [REDACTED] would be removed from Medicaid and a referral to the child support office will be done, at which time she stated to just forget her call as [REDACTED] would be back in the home and they would be working things out. (Department's Exhibit 32).

(7) Claimant requested a hearing on February 26, 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 (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).

That [REDACTED], father of claimant's child who was residing with her and applied for FIP, was a mandatory WF/JET participant has already been determined. PEM 230A. It is also not in dispute that [REDACTED] stopped attending WF/JET on December 18, 2008, and that he did not show up or call for the triage appointment. Hearing testimony by the claimant and [REDACTED] however reveals that Children's Protective Service (CPS) asked [REDACTED] to leave claimant's home in order to not be around the children on December 18, 2008, due to allegations of domestic violence and drug use. [REDACTED] left the home on December 18, 2008 and was not allowed to return by CPS. Claimant also testified that she then took the children and went to stay with a relative at another address.

Department's representative states that CPS apparently did not communicate to claimant's caseworker the fact that [REDACTED] was told he must move away from the claimant and her children on December 18, 2008. Furthermore, it is also apparent from the hearing testimony that CPS continued to be involved with the claimant's case up to April 22, 2009, when the claimant states her children were removed from her.

CPS is part of the department and therefore any client circumstances known to them are considered to be known to the department. Departmental policy does address unplanned event or factor as possible good cause for a client's noncompliance with WF/JET activities, as it states:

GOOD CAUSE FOR NONCOMPLIANCE

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination on the DHS-71, Good Cause Determination and the FSSP under the "Participation and Compliance" tab.

See "School Attendance" PEM 201 for good cause when minor parents do not attend school.

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 233A, pp.4-5.

██████████ was told he must leave claimant's home on December 18, 2008 by CPS, and this would qualify as an unplanned event or factor that would prevent him from attending WF/JET. There is also allegations of domestic violence that ██████████ denies. Claimant testified she had also left her residence and moved in with a relative, so it is questionable if either she or ██████████ would have received the triage letter sent there. This Administrative Law Judge therefore concludes that good cause for WF/JET noncompliance exists for ██████████, because CPS knew of the issues that would have prevented him from compliance and did not report these issues to claimant's caseworker.

Even with the finding of good cause for WF/JET noncompliance, question remains as when [REDACTED] left the home, when and if he was reunited with the claimant and children, where she was living, and where the children were/are, from the date of FIP case closure on January 3, 2009 to present time. Department's representative will pursue this information with CPS in order to determine what, if any, FIP grant claimant may have been eligible for the period of time in question.

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) Obtain information from CPS and any other sources needed to determine the whereabouts of the claimant, her children and [REDACTED] and their living situation, from January, 2009 date of closure to present time.

(2) If the claimant is found eligible for FIP for any portion of this time, issue the claimant retroactive FIP benefits for that time.

(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 30, 2009

Date Mailed: April 30, 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 receipt 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/db

cc:

