

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.: 2009-19127
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 18, 2009
Wayne County DHS (59)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on May 18, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a FIP recipient. The group size is two (2).
2. On February 5, 2009, the department sent the claimant a notice to attend a medical appointment on February 9, 2009, as part of an evaluation for the Medical Review Team (MRT). (Department exhibit 1).

3. On February 24, 2009, the department sent the claimant a notice of a Jobs Education and Training (JET), appointment for March 2, 2009. (Department exhibit 4).
4. On March 6, the department sent the claimant a notice of employment-related noncompliance for not attending JET. (Department exhibit 5).
5. On March 17, 2009, the department found no good cause for the claimant's noncompliance. (Department exhibit 4).
6. On March 31, 2009, the department closed the claimant's FIP.
7. On April 6, 2009, the Claimant filed a request for a 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 (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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Department moved to close the claimant's FIP. The department sent notice of a medical appointment on February 5, 2009. This notice was for an appointment scheduled for February 9, 2009.

At the hearing the claimant testified that she received the notice of the medical appointment on the day of the appointment and after the time for which it was scheduled. The claimant also testified that she called the [REDACTED] on the date of the appointment but never heard back from them.

This evidence was unchallenged by the department.

This ALJ finds that the notice of the medical appointment was inadequate and therefore there effectively was no notice. The MRT appointment should have been rescheduled and the claimant should not have been reassigned to JET.

Inadequate notice constitutes good cause.

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. (PEM 233A, p.4).

I find that the department incorrectly moved to close the claimant's FIP.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reopen the claimant's FIP and replace any lost benefits.

/s/
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/16/09

Date Mailed: 06/17/09

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 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.

MJB/jlg

cc:

A large black rectangular redaction box covers the names of the individuals listed in the 'cc:' field.