

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: 2009-20395
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 4, 2009
Macomb 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 June 4, 2009. Claimant personally appeared and testified. A family independence specialist represented the Department.

ISSUE

Did the Department act properly in deciding to sanction Claimant by closing her Family Independence Program (FIP) case for failure to attend the Jobs, Education and Training (JET) program?

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 recipient of FIP for a group size of six that includes her five children.
- (2) She receives \$828 in monthly FIP benefits.

- (3) The Department required Claimant to attend Michigan Works/JET on March 30, 2009.
- (4) Claimant provided Michigan Works/JET and the Department with a Medical Needs, form DHS-54A, signed by her physician stating that she needs close psychiatric management and cannot work at any job. (Exhibit 6). Therefore, Claimant did not attend JET.
- (5) Because the Claimant did not report to Michigan Works/JET, the Department sent her a Notice of Noncompliance letter dated March 30, 2009. (Exhibit 3). The Notice informed her that a triage meeting had been scheduled for April 6, 2009.
- (6) Claimant attended the triage meeting where she was offered the option to return to Michigan Works/JET. Claimant refused to attend, maintaining that she could not due to medical reasons.
- (7) The Department sent Claimant a negative action notice which was suspended after she requested this hearing.
- (8) The Department received Claimant's hearing requests on April 6, 2009. The negative action was suspended pending the outcome of this hearing.

CONCLUSION

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. (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, pg. 6)

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

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. (PAM 105, p. 5)

It is found that Claimant did not fail to cooperate with the Department. At this hearing, Claimant provided credible evidence that her physician has determined that she is unable to work due to the fact that she “needs close psychiatric management” as a result of mental health conditions that include clinical depression. (Exhibit 6). Therefore, Claimant’s inability to work is

due to her medical condition rather than a lack of cooperation. Under these circumstances, it is found that Claimant should not be sanctioned for refusal to attend JET.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to close Claimant's FIP case as a sanction was not proper.

Accordingly, the Department's decision is REVERSED.

/s/

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

Date Signed: 06/11/09

Date Mailed: 06/15/09

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:

[REDACTED]