

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.: 2009-23072
Issue No.: 5018/1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 21, 2009
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on October 21, 2009 claimant was present and testified, [REDACTED] FIM and [REDACTED] FIS appeared for the department and testified.

ISSUE

Is the department correct in denying claimant's SER application because of no housing emergency and in closing claimant's FIP benefits for failure to cooperate with 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 was a FIP recipient who was required to participate with JET.
- (2) On April 9, 2009 a verification checklist with an April 20, 2009 due date was sent to claimant requesting a medical needs and medical examination report be completed.
- (3) Claimant's doctor provided a medical needs form on May 11, 2009.

- (4) On May 13, 2009 claimant's FIP case put into negative action for failure to provide verifications.
- (5) Negative action for the FIP case was deleted and benefits continued until August 19, 2009 when benefits closed for noncompliance with JET.
- (6) Claimant applied for SER on May 14, 2009 assistance for rent and security deposit.
- (7) On May 22, 2009 claimant's application for SER was denied.
- (8) Claimant requested a hearing on May 12, 2009 protesting the failure to process SER and closure of FIP.

CONCLUSIONS OF LAW

SER BENEFITS

The State Emergency Relief ("SER") program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.* and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. In order to receive benefits for relocation services applicants must show they are homeless or potentially homeless. ERM 303

In the present case, claimant's application for SER relocation services was denied because she did not meet any of the criteria for homelessness or potentially homeless. ERM 303 Claimant received a foreclosure notice but she had not received an eviction notice or an eviction

Order or Judgment from the District Court. The Department was correct in determining that claimant was not eligible for relocation services through the state emergency relief program.

FIP BENEFITS

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 Dependant 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).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP 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.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized.

PEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. PEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, a medical needs form was submitted by claimant's physician on May 11, 2009 which clearly states in response to "Can Patient work any job? No, and for how long? 3-6 months". The department testified that collateral contact with the physician raised some issues about whether the claimant was following her treatment plan. However, department policy does not require that a claimant comply with treatment for a deferral to be valid. This administrative law judge finds that claimant has good cause for failure to participate with work first and JET and that the Department erred in closing claimant's FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED. The Administrative Law Judge further decides that the department was incorrect in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED and claimant's FIP benefits shall be reinstated.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/02/09

Date Mailed: 11/02/09

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.

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