

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: 2009-24100

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 14, 2009

Muskegon 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 July 14, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) application in April, 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 applied for FIP on March 17, 2009.
2. Claimant signed a Work and/or Self-Sufficiency Rules for Cash Recipients form on March 28, 2009, acknowledging she understood Work First/Jobs, Education and Training (WF/JET) program requirements, and that she must comply with these requirements unless she has a good reason not to do so. (Department's Exhibit 1).

3. On March 26, 2009, claimant was mailed a JET Appointment Notice telling her she must attend JET on April 6, 2009. Notice stated that claimant is to call her DHS caseworker if she can't make the appointment, that if she does not call or appear within 20 days of the notice, her application will be denied, and that she may reapply at any time. (Department's Exhibit 2).

4. Claimant did not attend JET as of April 16, 2009. (Department's Exhibit 3). On April 21, 2009 department mailed the claimant a Notice of Case Action telling her that her FIP application is denied because she failed to attend JET. (Department's Exhibits 4-7).

5. Claimant requested a hearing on April 27, 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).

Departmental policy states:

DEPARTMENT PHILOSOPHY

FIP, RAP Cash

Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and that they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. Jobs, Education and Training (JET) program requirements, education and training opportunities, and assessments will be covered by the JET case manager when a

mandatory JET participant is referred at application. PEM 229, p. 1.

Work and Self-Sufficiency Rules

Use the DHS-1538, Work and Self-Sufficiency Rules to explain all of the following to clients at FIP application:

Provide a brief overview of the Work and Self-Sufficiency Rules, once, for each episode of assistance. At a minimum explain direct support services opportunities, work requirements, self-sufficiency requirements, penalties for non-compliance, transportation, child care, earnings or activity reporting and verification requirements, and domestic violence.

The DHS-1538 must be reviewed and signed by all adult applicants and member adds including:

- . Minor parent grantees.
- . Adult member adds.
- . Dependent children age 16 or 17 who are not attending elementary or secondary school full time.
- . Ineligible grantees.

Note: Mail the DHS-1538 to 16 and 17 year old dependent children for completion rather than requiring a signature in person. The grantee is ultimately responsible for the child's compliance. PEM 229, pp. 1-2.

Timing of JET Referral

Mandatory JET clients must be sent to JET upon application for FIP. Do not send any others to JET at application, unless a deferred client volunteers to participate. All JET referrals must be sent through ASSIST. ASSIST will generate an automated DHS-2439, Michigan Works Referral to the Michigan Works! Agency's (MWA's) Management Information System (MIS) upon completion of the initial interview in ASSIST. Clients can reapply for FIP at any time after their application is denied for failing to appear or participate with JET.

That the claimant was a mandatory referral to JET is not in dispute. Claimant testified that she did not have a ride to get to JET appointment on April 6, 2009. Claimant was asked why

she did not attend up to April 16, 2009, 20 days from the date of the notice of the JET appointment, as the notice clearly states she could have done so. Claimant responds that she did not read that part of the notice. Claimant was also asked if she had reapplied for FIP since the denial, as the notice also advises her she can do so at any time. Claimant responds she did not read that part of the notice either.

Evidence presented establishes that the department acted in accordance with departmental policy when it denied claimant's FIP application. Claimant's testimony that she failed to show for the JET appointment because she did not have a ride, and that she did not attend JET for 10 additional days because she failed to read all of the paperwork mailed to her is not a valid excuse for her not to have attended JET.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FIP application in April, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 21, 2009

Date Mailed: July 21, 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 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.

IR [REDACTED]

cc:

[REDACTED]