

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: 2009-28824

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 12, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 conducted from [REDACTED] on August 12, 2009.

ISSUE

Whether the Department properly denied Claimant's application for Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

- (1) On March 30, 2009, Claimant applied for FIP benefits.
- (2) On April 10, 2009, the Department mailed Claimant a Notice of Appointment with an assigned orientation date of April 16, 2009. (Exhibits 2,4)

(3) On April 16, 2009, the Department mailed Claimant a Final Notice of Appointment with an assigned orientation date of April 23, 2009. (Exhibits 3,4)

(4) Claimant could not attend either orientation date due to a high risk pregnancy and provided her caseworker, [REDACTED], with doctor's notes for the two dates. The Family Independence Manager covering the hearing, [REDACTED], did not have any knowledge in this regard.

(5) On April 23, 2009, an Employment and Training Action Notice which terminated Claimant was issued by [REDACTED]. (Exhibits 1,4)

(6) On April 24, 2009, [REDACTED], requested and received permission from [REDACTED] for another one week extension for a 3rd appointment for Claimant. (Exhibits 5,9)

(7) [REDACTED] testified that the 3rd appointment date for orientation was April 27, 2009, but she could not offer a Notice of Appointment and did not know how and/or when Claimant was informed of the decision to appear on this date. She did offer a Work First computer screen which states that the Last Date to Attend Orientation was April 27, 2009 which has handwritten notes which appears to state "Tu Th 30th per 4/27/09 call to [REDACTED] told client to call [REDACTED] today" (Exhibit 6)

(8) Claimant testified that she knew nothing about going to orientation on April 27th. She was waiting for a new date from [REDACTED] and then received a Notice of Appointment for an assigned orientation date of May 19, 2009. She appeared on that date and was told that she should have attended on May 15, 2009. (Exhibit 10)

(9) On May 15, 2009, the Department mailed Claimant an Application Eligibility Notice, DHS-1150, informing her that she was not eligible for FIP benefits because – “failure to attend work first, I even extended for you”. (Exhibit 8)

(10) On June 30, 2009, the Department received Claimant’s hearing request protesting the denial of her application for FIP benefits.

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).

Department policy states that 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.

The Family Independence Specialist (FIS) should coordinate with the client an agreed upon date for attendance at orientation. This will eliminate the need for multiple assignment dates or appointment changes. Clients should not be referred for Orientation and JET participation until it is certain that barriers to participation such as lack of child care, or transportation have been removed and disabilities have been accommodated.

PEM 229, p.1-2

In the instant case, it appears from the testimony and documentation offered at hearing that Claimant had a valid reason for not attending the April 16th or 23rd orientation dates and that the Department agreed to give her another opportunity to attend orientation. The Department's position was that Claimant was supposed to attend orientation on April 27th, but I am not convinced at all that this was the date Claimant was supposed to attend and/or that it was communicated to her. Claimant's caseworker asked for a week extension at 12:35 p.m. on Friday, April 24th which was agreed to at 2:06 p.m. The handwritten notes on the Work First document state that there was a call made on April 27th to [REDACTED] and, based on that call, a call was made to Claimant and she was told to call [REDACTED] that day. I don't know if that individual spoke to Claimant or left a message, but that hardly sounds like it was the date to attend orientation. There was no reason offered why the Application Eligibility Notice did not go out until May 15, 2009 or why Claimant received a Notice of Appointment for May 19, 2009. With the above said, I do not find that the Department proved that it acted in accordance with policy in denying Claimant's application for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in denying Claimant's application for FIP benefits.

Accordingly, the Department's FIP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Process Claimant's March 30, 2009 FIP application.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/S/
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 13, 2009

Date Mailed: August 14, 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.

2009-28824/smb

SMB/db

cc:

