

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: 2009-29489
Issue No: 1027
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on September 16, 2009.

ISSUE

Was compliance with a procedural good cause "Triage" meeting by the DHS established?

FINDINGS OF FACT

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

(1) Negative action: proposed FIP termination on June 18, 2009 based on noncompliance with the JET program per PEM 228, 233A, and 245; the DHS rescinded the negative action for the FAP negative action.

(2) On June 18, 2009, the DHS sent the claimant notice of an opportunity for a good cause meeting; and that if the claimant wanted to have a phone meeting to call the DHS to schedule it before missing her scheduled appointment (DHS Exhibit #1).

(3) On June 18, 2009, the claimant had a good cause meeting by phone with only the DHS representative.

(4) Both parties agree that under a “Triage” meeting, a third person representative from JET/ [REDACTED] at [REDACTED] would have been required to attend an in-person meeting with the claimant at the local DHS; and that a “Triage” meeting was not explained to the claimant.

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).

Facts above are undisputed.

It is well-settled DHS policy that FIA recipients are entitled to an explanation of their rights and responsibilities in clear understandable language by the DHS.

PEM 233A, page 8, states:

JET participants will not be terminated from a JET program without first scheduling a Triage meeting with the client to jointly discuss noncompliance and good cause.

Clients can either attend a meeting or participate in a conference call if attendance at the Triage meeting is not possible.

Based on the undisputed facts above, this ALJ does not find that claimant's procedural "Traige" rights were explained to her in clear understandable language.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that noncompliance with the procedural JET program rights was not established by the DHS.

Accordingly, proposed FIA termination is REVERSED.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2009

Date Mailed: October 19, 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.

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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.

WAS/tg

cc:

