

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: 2009-4974

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 21, 2009

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on January 21, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. The Claimant was a FIP recipient.
2. On July 16, 2008, the Department sent the Claimant a notice of appointments with

[REDACTED] (Department Exhibit 2)

3. On September 3, 2008, the Department received notice from [REDACTED] that the Claimant had not kept two scheduled appointments. (Department Exhibit 2)
4. On October 15, 2008 the Department sent the Claimant a notice of noncompliance. (Department Exhibit 3)
5. On October 23, 2008, the Department scheduled a triage and the Claimant did not attend.
5. On October 28, 2008, the Department closed the Claimant's FIP.
6. On November 20, 2008, the Claimant filed a request for a hearing.

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 (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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant failed to attend two scheduled appointments with [REDACTED].

NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. **Noncompliance** of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failing or refusing to:

Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.

Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.

Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).

Comply with activities assigned to on the Family Self Sufficiency Plan (FSSP) or PRPFC.

Appear for a scheduled appointment or meeting.

Participate in employment and/or self-sufficiency-related activities.

Accept a job referral.

Complete a job application.

Appear for a job interview (see the exception below).

Stating orally or in writing a definite intent not to comply with program requirements.(PEM 233A, p. 1-2).

In the instant case, the Department closed the Claimant's FIP after the Claimant failed to attend a triage set up to discuss her lack of attendance at [REDACTED]

The Claimant testified that she received the noncompliance and triage notice the day after the scheduled triage on October 23, 2008, and never received the scheduled [REDACTED] appointments. The record does indicate a change in the Claimant's address and she and the Claimant's mother testified that she notified the Department within ten days of moving on [REDACTED]

Here, the Claimant did not appear for scheduled appointments but raises the question of proper notification.

It is reasonable to assume an interruption of the Claimant's mail around the time of her moving on [REDACTED]. However, while this might explain Claimant's lack of attendance at the triage, it does not explain her lack of attendance at the [REDACTED] appointments. The [REDACTED]

appointments were scheduled well before the Claimant's move. The Claimant is therefore shown to not be in compliance with the requirements of JET.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 12, 2009

Date Mailed: March 12, 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.

MJB/jlg

cc:

