

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.: 2009-5445

Issue No.: 1038

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

January 29, 2009

Wayne County DHS [REDACTED]

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 29, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly attempt to 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 September 10, 2008, the Department sent the Claimant a Jobs Education and Training (JET) appointment notice for September 22, 2008. (Department exhibit 13).

3. On October 8, 2008, the Department sent the Claimant a notice of JET noncompliance and scheduled a triage meeting for October 14, 2008, after the Claimant failed to attend JET on September 22, 2008. (Department exhibit 9).

4. On October 15, 2008, the Claimant contacted the Department claiming medical reasons for her absence from the triage on October 14, 2008.

5. On October 17, 2008, the triage was completed. The Department did make a finding of good cause and noted the Claimant's claimed mental and physical illness as the reason for her absence from JET. (Department exhibit 3).

6. On October 17, 2008, the Department gave the Claimant a verification checklist and various medical documents to be returned by October 27, 2008, or attend JET in the alternative. (Department exhibit 2).

7. On October 26, 2008, the Claimant sent the Department a completed Mental Residual Functional Capacity Assessment (MRFCA), but not the remainder of the documents requested by the Department. (Department exhibit 5).

8. On October 29, 2008, the Department closed the Claimant's FIP.

9. On November 25, 2008, the Claimant and 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 was claiming a mental and physical reason for deferment from JET. The Claimant faxed one of the documents the Department requested.

Short-Term Incapacity

Defer persons with a mental or physical illness, limitation, or incapacity which is expected to last less than three months and which prevents participation. Defer for up to three months.

Verify the short-term incapacity and the length of the incapacity using a DHS-54A, Medical Needs form or other written statement from an MD/ DO. Set the medical review date in CIMS accordingly, but not to exceed three months. (PEM 230A, p.11)

In the instant case, the Claimant was provided a DHS 54A but failed to return it. The Department was correct in closing the Claimant's FIP.

DECISION AND ORDER

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

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

Date Signed: March 6, 2009

Date Mailed: March 13, 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.

MJB/jlg

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