

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

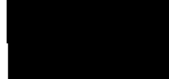
IN THE MATTER OF:

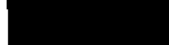


Claimant

Reg. No. 2009-7373

Issue No. 1006

Case No. 

Load No. 

Hearing Date:

January 26, 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 26, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny 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. On September 3, 2008, the Claimant applied for FIP.
2. On September 19, 2008, the Claimant signed a work and self sufficiency rule form, acknowledging the necessity of completing Family Automated Screening Tool (FAST) within a thirty (30) day period. (Department Exhibit 23).

3. October 23, 2008, the Department sent the Claimant notice of noncompliance when she failed to complete the FAST within the prescribed 30 days.

4. The Department denied the Claimant's FIP application.

5. On December 12, 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 Department testified that it made special mention of the possibility that the Claimant's FIP would be closed for a year, due to two previous instances of noncompliance. On October 19, 2008, when the Department was informed that the Claimant had not completed the FAST, it placed the Claimant's FIP into closure.

All clients listed on the notice are required to complete the FAST within 30 days (PEM 228, p.1)

The Claimant stated at the hearing that she had been re-admitted to the hospital and that this was the reason for her not completing the FAST. However, there is no corroborating evidence that this is in fact the case and the Claimant did not contact the Department prior to its moving to close the Claimant's FIP.

The Department was correct in denying the Claimant's FIP application.

DECISION AND ORDER

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

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

Date Signed: March 3, 2009

Date Mailed: March 9, 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:

