

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: 2009-11981

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 26, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on February 26, 2009. Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly determine that Claimant's Family Independence Program (FIP) case should be closed on the grounds that he did not comply with the Jobs, Education and Training (JET) program requirements without good cause?

FINDINGS OF FACT

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

(1) Claimant applied for FIP benefits on June 23, 2008. He was allotted [REDACTED] in monthly FIP benefits.

(2) During the intake process, Claimant stated that he was unable to work due to a disability.

(3) On July 28, 2008, Claimant met with a Department JET worker to begin gathering medical information to be sent to the Medical Review Team (MRT).

(4) His medical packet was sent to MRT on October 7, 2008. The medical packet included documents from his surgeon, [REDACTED], dated [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Each document stated that Claimant was “totally disabled.” (See Exhibit, pgs. 1-4).

(5) MRT determined that Claimant was not disabled and was able to work with restrictions. (Exhibit, pg. 43).

(6) On [REDACTED], a Medical Needs form, DHS-54A, was sent to Claimant’s doctor’s office. Claimant informed the Department that the Medical Needs form was sent to his pain management doctor, [REDACTED], who refused to complete it on the grounds that it should have been sent to his surgeon, [REDACTED], who had found Claimant disabled. Both physicians work at [REDACTED].

(7) On January 8, 2009, Claimant was sent notice that his FIP grant would be cancelled effective January 21, 2009 for failure to participate in the JET program.

(8) Claimant disagreed with the Department on the grounds that he had provided the Department with medical documentation that he was disabled and that the Department ignored his reports that the Medical Needs form had been sent to the wrong physician.

(9) The Department received a hearing request on January 13, 2009.

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

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

In this case, Claimant did not fail to cooperate with the Department. Claimant took reasonable steps to inform the Department of his disability, even providing multiple documentation from his surgeon stating that he was disabled. Under these circumstances, it is found that the Department has not established that Claimant failed to comply with the JET requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly determined that Claimant's FIP case should be closed as a sanction for his noncompliance with JET requirements.

Accordingly, the Department's action is REVERSED. The Department is ORDERED not to close Claimant's FIP case as a sanction for failing to attend the JET program.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2009

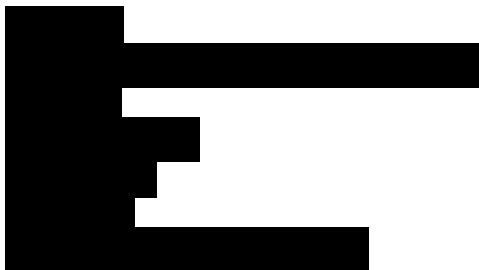
Date Mailed: March 13, 2009

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.

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.

TW/dj

cc:

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