

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: 2009-13600
Issue No: 1006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 three-way telephone hearing was held on May 6, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) application in February, 2009?

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 on December 29, 2008. On January 13, 2009, department mailed the claimant a Verification Checklist scheduling an in-person interview for January 26, 2009. This Checklist also noted that the claimant will have to attend the JET program if she wanted to apply for cash assistance.

2. Claimant left a telephone message for her caseworker on January 27, 2009, stating she wants to withdraw her FIP application, and only wants FAP and Medicaid.

3. On February 2, 2009, department mailed the claimant an Application Eligibility Notice telling her that her FIP application has been denied because she withdrew it.

4. Claimant requested a hearing on February 10, 2009, stating she withdrew her FIP application at the end of January because since she is a full time student, (8 am to 5 pm, M-F), she was hoping for a phone interview and was wondering if she is exempt from Work 1st for this reason. Claimant further states that she has no way or time for Work 1st, but she really needs assistance, and she did not want to withdraw her application, but did not see any other options.

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).

Departmental policy requires an in-person interview for all FIP applicants. PAM 115, p. 12. Departmental policy also requires that all mandatory Work First/Jobs, Education and Training (WF/JET) clients be sent to JET upon application for FIP. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. PEM 229, p. 2. Claimant's hearing request and her hearing testimony indicate that she was aware of both requirements at the time she withdrew her FIP application. Claimant however, is attempting to re-visit her December, 2008, FIP application, and explains her FIP

withdrawal by stating she was forced into this withdrawal because she could not attend the in-person interview or participate in the JET program due to her schooling. Claimant is of the opinion that because she allegedly attends school 40 hours per week she should have been exempt from both the in-person interview and JET participation. Claimant is also dissatisfied with the fact that the caseworker on her case did not manage to arrange her interview and JET attendance around her school break. Departmental policy must be applied uniformly to all clients, and caseworkers cannot engage in discriminatory practices that would favor one client's situation over another, but must follow such policy.

Departmental policy also addresses the situation where a client withdraws their application for assistance. A client may withdraw an application at any time while the application is pending, and then may re-apply for assistance at any time after the withdrawal if he/she so chooses. PAM 110, p. 14. Claimant did withdraw her FIP application and department correctly denied the FIP application for this reason. Claimant's argument that she had reasons that caused her to withdraw her FIP application are without merit, as it was her own choice not to pursue the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FIP application in February, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 19, 2009

Date Mailed: May 20, 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.

IR/om

cc:

