

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: 2009-14982

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 15, 2009

Macomb 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 April 15, 2009. Claimant personally appeared and testified. The Department was represented by a JET case manager.

ISSUE

Did the Department properly determine that Claimant's Family Independence Program (FIP) case should be closed on the grounds that she failed to 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 is a FIP recipient. She receives \$403 in monthly FIP benefits.
- (2) On July 18, 2008, the Department offered Claimant the opportunity to consult with the [REDACTED] Claimant refused to meet with

- ██████████. (Exhibit 2). She contends that she did not want to attend ██████████ because she had consulted with MRS before and found that ██████████ could not help her.
- (3) On August 27, 2008, the Department worker sent Claimant a Verification Checklist, DHS-3503, requesting the return of a Medical Social Questionnaire, DHS-49-F, and an Activities of Daily Living form, DHS-49-G. The documents were due by September 6, 2008. (Exhibit 1).
 - (4) Claimant did not return the Medical Social Questionnaire or the Activities of Daily Living.
 - (5) The Department worker referred Claimant to Work First/JET for first appointment on December 29, 2009.
 - (6) Claimant did not attend JET on December 29, 2008. Consequently, the Department worker sent her a Notice of Noncompliance on January 26, 2009. (Exhibit 5). The Notice also informed Claimant that a triage meeting had been scheduled for February 2, 2009.
 - (7) Claimant did not report to the triage meeting and the Department found that she had no good cause for her failure to attend JET. (Exhibit 6).
 - (8) Claimant contends that she could not attend JET due to health issues.
 - (9) Claimant offered medical documentation dated February 11, 2009 from ██████████ ██████████, stating that she is “disabled and unable to work.” (Exhibit 8).
 - (10) The Department received Claimant’s hearing request on February 4, 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).

DEPARTMENT POLICY

FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. (PEM 230A, pg. 1)

NONCOMPLIANCE PENALTIES FOR ACTIVE FIP CASES AND MEMBER ADDS

The penalty for noncompliance without good cause is FIP closure. Effective April 1, 2007, the following minimum penalties apply:

- For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in [First Case Noncompliance Without Loss of Benefits](#) below.
- For the second occurrence on the FIP case, close the FIP for not less than three calendar months.
- For the third and subsequent occurrence on the FIP case, close the FIP for not less than 12 calendar months. (PEM 233A, pg. 6).

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 report to the triage meeting scheduled to give her “an opportunity to report and verify your reasons for noncompliance.” Claimant did not attend the triage and did not provide a reason for failing to attend the triage. In addition, Claimant did not provide the Department with the Medical Social Questionnaire and the Activities of Daily Living forms requested in August 2008. Under these circumstances, it is found that the Department acted properly given the information available to the Department at the time it determined that her case should be closed for failure to comply with JET. The Department suspended the action when Claimant timely requested this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly in determining to sanction Claimant for her first noncompliance by closing her FIP case.

Accordingly, the Department’s action is AFFIRMED.

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

Date Signed: 04/21/09

Date Mailed: 04/22/09

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:

