

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: 2009-15465

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 14, 2009

Macomb 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 telephone hearing was held on April 14, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) 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 was a FIP recipient claiming she had medical problems that prevented her from participating in employment-related activities, namely Work First/Jobs, Education and Training (WF/JET) program.

2. Department referred the claimant to Michigan Rehabilitation Services (MRS) in November, 2008. The claimant told MRS she did not feel she could work and did not want to apply for rehabilitation services.

3. Department then gave the claimant the opportunity to obtain additional medical information to be sent to department's Medical Review Team (MRT). MRT had previously determined in May, 2008, that the claimant is capable of participating in WF/JET.

4. Claimant did not provide additional medical information. Department referred the claimant to WF/JET but claimant failed to appear on January 15, 2009, and a triage was scheduled for February 5, 2009.

5. Claimant appeared at triage and provided additional medical information, but department determined no new medical condition was listed that would differ from previous medical information considered by MRT. No good cause was found for claimant's failure to attend WF/JET, and department took action to terminate claimant's FIP benefits on February 20, 2009.

6. Claimant requested a hearing on February 17, 2009, and department deleted FIP negative action pending the outcome of this hearing.

7. At the hearing the claimant testified that she has recently been approved for SSI, something not known to the department prior to the hearing date. The SSI fully favorable decision was forwarded to the Administrative Law Judge following the 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 (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).

Claimant was a FIP recipient and because she was not accepted as an MRS client and was not deferred from WF/JET activities by MRT, the department had to refer her to such activities. PEM 230A. When the claimant did not report to WF/JET as assigned, the department took action to terminate her FIP benefits. PEM 233A. However, departmental policy does state that recipients of SSI/RSDI based on disability or blindness are deferred from WF/JET participation. Claimant was approved for SSI in March, 2009, and the SSI decision cites that the claimant has been found disabled as of January 31, 2007. SSI recipients are not only deferred from WF/JET participation, they are also not a member of the FIP group and their SSI income is not countable for the remaining FIP group members. PEM 210. Department will therefore take action to remove the claimant from the FIP group.

In conclusion, while it is true that department's MRT determined that the client is not disabled to the point that she cannot participate in WF/JET activities, SSA decision that the claimant is indeed disabled and entitled to SSI benefits due to her disability takes precedence over MRT determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly took action to terminate claimant's FIP benefits in February, 2009, based on the information not known to the department until the date of the

hearing that the claimant has been approved for SSI benefits and determined disabled back to January, 2007, rendering MRT's previous WF/JET deferral rejection incorrect.

Accordingly, department's action is REVERSED. Department shall:

1. Obtain further verification as to when claimant's SSI payments are starting, or if they have already been issued.
2. Adjust claimant's FIP benefits accordingly (i.e. remove her from the FIP grant if her SSI benefits have started).

SO ORDERED.

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

Date Signed: April 17, 2009

Date Mailed: April 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.

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