

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: 2009-15471

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 16, 2009

Lenawee 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 16, 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.
2. On January 26, 2009, department mailed the claimant a Verification Checklist, DHS-3503, scheduling an interview on February 2, 2009 at 2:00 PM. The checklist also stated under the heading of "Other" "Self Sufficiency Survey, Work & Self Sufficiency Rules, You

both must attend Work First orientation and continue 40 hour per week participation. Be sure to get there timely Monday. Ask them to be excused for your 2:00 appt with me”. (Department’s Exhibit #3).

3. On January 27, 2009, department mailed the claimant a Jobs, Education and Training (JET) Appointment Notice telling her that she is to attend JET on February 2, 2009 at 8:30 a.m. (Department’s Exhibit #2).

4. Claimant did not attend JET. On February 2, 2009, department mailed the claimant a notice denying her FIP application because “you both failed to attend scheduled Work First appointment”. (Department’s Exhibit #1).

5. Claimant requested a hearing on February 24, 2009, stating she had called her caseworker to reschedule her appointment as she had a broken finger and a doctor’s appointment, but he never called her back, just sent her a letter of denial.

#### 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 applied for FIP on December 29, 2008, and this is stated on the notice mailed to her on February 2, 2009, denying her FIP application. Hearing testimony reveals that the department did not have any contact with the claimant or sent her any type of notice for an in-person interview until January 26, 2009. Claimant was sent a JET appointment notice on

January 27, 2009, even though the Verification Checklist dated January 26, 2009, cites this appointment. January 27, 2009 was a Tuesday, and claimant was to report to JET the following Monday. Claimant testified that she broke her finger and had a previously scheduled doctor's appointment for the same date as the JET appointment, and that she called her caseworker and left him a message telling him this on Friday, January 30, 2009, but that he never returned her call. As the mail takes couple of days, it would appear that the claimant was given 2 working days prior to her JET appointment to try and reschedule it.

Departmental policy states that an in-person interview is required at application for FIP before approving benefits. The purpose of the interview is to explain DHS program requirements to the applicant and to gather information for determining the group's eligibility. Interview scope is limited to examining the circumstances directly related to determining the group's eligibility and benefits, and offering information on programs and services available through DHS or other agencies. PAM 115, p. 12. In claimant's case, department attempted to schedule the initial FIP in-person interview on the same date as claimant's WF/JET appointment, after not taking any action on claimant's application for almost a month after it was received in the local office. As the in-person interview's purpose is to explain FIP requirements including participation in employment-related activities, it is peculiar for the department to have required the claimant to attend WF/JET at 8:30 a.m. on the same day that her initial FIP interview was scheduled for 2:00 p.m.

Furthermore, departmental policy specifically addresses what a caseworker must do in relation to employment-related activities at application, as it states:

**Work and Self-Sufficiency Rules**

Use the DHS-1538, Work and Self-Sufficiency Rules to explain all of the following to clients at FIP application:

Provide a brief overview of the Work and Self-Sufficiency Rules, once, for each episode of assistance. At a minimum explain direct support services opportunities, work requirements, self-sufficiency requirements, penalties for non-compliance, transportation, child care, earnings or activity reporting and verification requirements, and domestic violence.

The DHS-1538 must be reviewed and signed by all adult applicants and member adds including:

- . Minor parent grantees.
- . Adult member adds.
- . Dependent children age 16 or 17 who are not attending elementary or secondary school full time.
- . Ineligible grantees.

**Note:** Mail the DHS-1538 to 16 and 17 year old dependent children for completion rather than requiring a signature in person. The grantee is ultimately responsible for the child's compliance. PEM 229, pp. 1-2.

Claimant was never given the opportunity to have the DHS-1538 reviewed with her and to sign it acknowledging she understood WF/JET requirements, prior to the department scheduling her WF/JET appointment.

Only explanation offered by the department's representative for issues cited above is that the department has a large caseload. While this Administrative Law Judge is well aware of the large caseloads and understands the difficulties faced by DHS staff in completing all of the assigned work, work that is completed still must be in accordance with departmental policy.

#### DECISION AND ORDER

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

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

1. Process claimant's FIP application based on December 29, 2008, application date.
2. Schedule an in-person interview for the claimant.
3. At the interview, give the claimant a WF/JET appointment date and time.
4. If the claimant completes all of the WF/JET requirements and is found to meet financial and non-financial FIP eligibility requirements, approve claimant's FIP benefits based on December 29, 2008, application date (i.e. issue the claimant FIP benefit payment effective second half of January, 2009).
5. Notify the claimant in writing of department's FIP determination.

SO ORDERED.

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

Date Signed: April 21, 2009

Date Mailed: April 22, 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 [REDACTED]

cc: [REDACTED]