

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: 2009-16424
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 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 22, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) benefit 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 February 9, 2009. (Department's Exhibits 1-16).
- (2) Claimant was referred to Work First/Jobs, Education and Training (WF/JET) program on February 11, 2009. On February 13, 2009 claimant was send an assignment letter to start the WF/JET program on February 23, 2009. (Department's Exhibit 19).

(3) Claimant did not report to WF/JET site on February 23, 2009.

(4) On February 23, 2009 claimant's caseworker mailed her a Verification Checklist, DHS-3503, along with Medical Needs form, DHS-54A, giving her until March 5, 2009 to return the DHS-54A, in order to determine her eligibility for FIP. (Department's Exhibits 20 and 21).

(5) On February 26, 2009 claimant's caseworker mailed her a notice that her FIP application was denied because she failed to attend the WF/JET program. (Department's Exhibit 1).

(6) Claimant requested a hearing on March 2, 2009 stating that she has chronic asthma, that she suffered a severe asthma attack on February 17, 2009, that she told her caseworker she has the medical condition, that she did not get a letter to attend WF/JET until February 19, 2009, and that her caseworker was aware of her medical problems and sent her a DHS-54A because she was aware of them.

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 that all mandatory 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.

In claimant's case she was referred to JET and did not attend her appointment on February 23, 2009. However, claimant stated on her hearing request and testified in the hearing that she has medical problems and that her caseworker was aware of her claim of such problems. Claimant's caseworker (not present at the hearing) did send the claimant a Verification Checklist along with a Medical Needs form on February 23, 2009. This Administrative Law Judge therefore concludes that the caseworker was indeed aware of claimant's medical problems, or there would be no need/reason for her to have mailed the claimant the forms.

Departmental policy does allow for WF/JET deferrals for short-term incapacity, if a client provides a DHS-54A, Medical Needs form, or a written statement from an M.D. or D.O. Long-term incapacity deferrals in cases where incapacity is expected to last more than three months are also addressed in departmental policy. PEM 230A, pp. 12-13.

In claimant's case she was given until March 5, 2009 to provide the DHS-54A, and this action on part of her caseworker was in accordance with departmental policy that requires that clients claiming some type of mental or physical illness, limitation, or incapacity preventing them from participating in WF/JET be given the opportunity to verify their claim. Why the caseworker would then deny claimant's FIP application on February 26, 2009 because she did not attend WF/JET when she was aware of claimant's potential medical problems and was in the process of requesting verification pertaining to such problems is unknown. This action is also not in accordance with departmental policy, as the claimant should have been allowed time period given on Verification Checklist, or even additional time if she was having a problem obtaining required verification, to provide medical information requested of her. PAM Item 130, pages 2 and 4.

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 disputed FIP application of February 9, 2009.

(2) Evaluate if the claimant qualifies for a WF/JET deferment.

(3) Defer the claimant from WF/JET participation, or if she does not qualify for a deferment, schedule a WF/JET appointment for her.

(4) If the claimant is found to be eligible for FIP (i.e. meets all financial and non-financial eligibility requirements including WF/JET attendance if she is not deferred), approve FIP benefits based on February 9, 2009 application date.

(5) Notify the claimant in writing of department's FIP eligibility determination, be it an approval or a denial.

SO ORDERED.

/s/

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

Date Signed: April 28, 2009

Date Mailed: April 30, 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 receipt 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/db

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