

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: 2009-19061
Issue No: 1005
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 18, 2009
Wayne 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 May 18, 2009. The Claimant personally appeared and testified. A family independence manager and a family independence specialist represented the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for failure to attend a triage meeting?

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 benefits recipient. She received \$403 in monthly benefits.
- (2) Claimant lived at [REDACTED] in [REDACTED] until she was evicted and became homeless in December 2008.

- (3) Claimant told her then caseworker that she had been evicted and had no fixed address.
- (4) The Department sent Claimant a Notice of Noncompliance dated February 23, 2009. The Notice stated that a meeting had been scheduled for March 2, 2009.
- (5) Claimant asserted that she did not receive the Notice of Noncompliance and therefore did not know a meeting had been scheduled for March 2, 2009.
- (6) Claimant did not attend the meeting and, consequently, the Department closed her FIP case on March 7, 2009.
- (7) Claimant moved her current address in April 2009.
- (8) Claimant disagreed with the Department's decision to close her case because she did not receive notice of the triage meeting.
- (9) The Department received Claimant's hearing request on April 6, 2009. (Exhibit 4).

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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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)

Under PEM 105, Claimant has the responsibility to cooperate with the Department. In this case, Claimant did not attend the triage meeting because she did not receive notice of the meeting. Claimant asserted that she told the person who was her caseworker at the time of her eviction that she had no address. Claimant's testimony was found to be credible. Therefore, it is found that Claimant did not fail to cooperate with the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed Claimant's FIP case.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to (a) schedule another triage meeting for Claimant and mail notice of the meeting to her current address and (b) reimburse Claimant for any benefits that she would have received during the period that her FIP case was closed.

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

Date Signed: 05/21/09

Date Mailed: 05/26/09

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:

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