

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: 2009-21457
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 30, 2009
Washtenaw 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 June 30, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly terminate claimant's Family Independence Program (FIP) benefits in March, 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 and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when the department mailed her a Verification Checklist, DHS-3503, on March 6, 2009, giving her until March 16, 2009 to complete a Family Automated Screening Tool (FAST) by March 16, 2009. DHS-3503 states "you have to complete the FAST

here are the directions to do so, you can use any computer or go to your local library, by not doing so you are non-compliant you have till the due date to completed it, print it out and drop copy off to me”. (Department’s Exhibits 1 and 2).

2. Claimant did not complete FAST by March 16, 2009. On March 18, 2009, department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for March 30, 2009, to discuss her reasons for not completing FAST. (Department’s Exhibits 3 and 4).

3. Claimant did not show up for the triage. Claimant’s FIP benefits terminated on March 31, 2009, due to WF/JET noncompliance. Claimant requested a hearing on April 17, 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 (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).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. There are consequences for a client who refuses to participate, without good cause. All Work Eligible Individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Noncompliance of applicants, recipients, or member ads includes failure or refusal to complete FAST. PEM 233A.

In claimant's case she was sent a DHS-3503 on March 6, 2009, telling her she must complete FAST by March 16, 2009. Claimant states she did not receive this notice. When it is pointed out to the claimant that the DHS-3503 was mailed to her correct mailing address she verified at the hearing, she responds that she does not get all of her mail all of the time, for some unknown reason. Department cannot be held responsible for claimant not receiving her mail, as they did send it to the address she gave. Claimant further testified that she did get the triage notice but was admitted to a hospital on March 28 and not released until March 30, 2009. Claimant has no verification of her hospital admission. Furthermore, claimant had about 20 days, from March 6, 2009, date of DHS-3503, to March 28, 2009, date of her alleged hospital admission, to complete FAST and prevent the closure of her FIP case, but failed to do so. Therefore, no good cause for claimant's WF/JET noncompliance can be found.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated claimant's FIP benefits in March, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

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

Date Signed: July 2, 2009

Date Mailed: July 7, 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]