

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: 2009-22487

Issue No: 1038/6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 22, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 July 22, 2009. Claimant appeared and testified.

ISSUES

(1) Did the Department of Human Services (DHS or department) properly deny claimant's application for Family Independence Program (FIP) benefits as a result of claimant's failure to participate in a Work First (WF), also known as Jobs, Education, and Training (JET), assignment?

(2) Did the department properly deny claimant's application for Child Development and Care (CDC) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) At all times relevant to this matter, claimant resided with her 17 year old daughter, the 17 year old daughter's infant child (who was born January 1, 2009), and her 16 year old daughter.

(2) On April 2, 2009, claimant applied for FIP for herself, her two daughters, and her 3 month old infant grand-daughter. Claimant also applied for CDC for her infant grand-daughter while the 17 year old daughter (the infant's mother) was in school.

(3) As a condition of eligibility for FIP, claimant was a mandatory participant in the WF program.

(4) Claimant indicated to the department that she was not available for WF because she wanted to provide day care to her 3 month old infant grand-daughter while her daughter (the infant's mother) was in school.

(5) On April 2, 2009, the department sent claimant a Verification Checklist which included, among other things, a CDC application form and a DHS 4785, Work First/Jobs Education and Training Appointment Notice, which informed claimant that she had a WF appointment on April 13, 2009 at 1:00 p.m. (Department Exhibit #4). The Appointment Notice informed claimant that FIP applicants who do not attend the WF assignment prior to case opening would be denied FIP benefits.

(6) Claimant did not attend the scheduled WF appointment on April 13, 2009.

(7) Claimant did not submit a signed CDC application nor any of the requested items of verifications to the department.

(8) On April 21, 2009, the department notified claimant that her application for FIP was denied because "you failed to participate with WF during the FIP application process" and that CDC was denied because no proof of need/reason was supplied.

(9) On April 29, 2009, claimant filed a hearing request to protest the department's determination.

(10) At the hearing, claimant reiterated that she could not participate in WF because she needed to care for her 6 month grand-daughter while her 17 year old daughter (the infant's mother) was at school. Claimant further indicated that she did not submit the CDC application or verification because the department had orally informed her that she could not be the CDC provider for her infant grand-daughter.

### 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).

Relevant policy in this matter is as follows:

#### **Employment and /or Self-Sufficiency-Related Activities: FIP**

The Family Independence Program (FIP)... provides temporary cash assistance to support a family's movement to self sufficiency. The recipients of FIP... engage in employment and self-sufficiency-related activities so they can become self supporting.

Federal and State laws require each work eligible individual (WEI) in the FIP... group to participate in Jobs, Education and Training (JET) program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements...

A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency-related activities is subject to penalties... PEM Item 230 A, Page 1.

A dependent child age 16 or 17, WHO IS NOT deferred or otherwise meeting participation requirements, must be referred to JET if the child has not completed high school and:

- Quit school and refuses to return, or
- the school system NOT permits the child to return.  
...PEM Item 230 A, Page 6.

#### Care of a Child or Post-Partum Recovery

Disregard one parent of a child under the age of 3 months up to 3 months when newborn is in the home... PEM Item 230 A, Page 8.

#### **Failure to meet Employment and/or Self-Sufficiency-Related Requirements: FIP**

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance...

As the condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities...PEM Item 233 A, Page 1.

#### Non-Compliance Penalties at Application

Non-compliance by a WEI while the application is pending results in group ineligibility... PEM Item 232 A, Page 5.

A good cause determination is not required for applicants who are non-compliant prior to FIP case opening. ...PEM Item 233 A, Page 6.

In this case, claimant was a FIP applicant and a mandatory WF participant. Claimant was properly notified by the department of her obligation to participate in WF activities and provided timely written notice of her WF assignment. Claimant failed to participate in her assigned WF activity. Accordingly, the department was required by PEM Item 233 A, Page 5 to find claimant ineligible for FIP program benefits. Accordingly, the department's action in this matter must be affirmed.

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this matter, relevant policy provides as follows:

#### CDC Program Requirements

The goal of the Child Development and Care (CDC) program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families.

The Department of Human Services (DHS) may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, education and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider.

Eligibility for Child Development and Care Services exist when the department has established all of the following:

- There is a signed application requesting CDC services, and
- each parent/substitute parent... is a member of a valid eligibility group, and
- each parent/substitute parent (P/SP) meets the need (reason) criteria as outlined in this item, and
- an eligible provider is providing the care,
- all eligibility requirements are met. PEM Item 703, Page 1.

For CDC eligibility to exist for a given child, each parent/substitute parent (P/SP) must demonstrate a valid need reason. PEM Item 703, Page 2.

In this case, claimant failed to submit a completed application for CDC and did not provide the department with requested verification that her 17 year old daughter was in school and thus not available to care for her infant daughter. Claimant was a mandatory WF participant and would not be excused from her obligation to participate in WF activities so that she could stay home and care for the infant. Without a signed CDC application and verification of need for CDC services, the department properly declined to provide CDC benefits to claimant. Again, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for Family Independence Program benefits as a result of claimant's failure to participate in Work First activities. Further, the department properly denied claimant's application for Child Development and Care benefits.

Accordingly, the department's action in this matter must be **AFFIRMED**.

/s/ \_\_\_\_\_  
Linda Steadley Schwarb  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 8/4/09\_\_\_\_\_

Date Mailed: 8/4/09\_\_\_\_\_

**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 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.

LSS/at

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