

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: 2009-24577  
Issue No: 1021; 3022  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 9, 2009  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on July 9, 2009. The Claimant appeared and testified. Also present on behalf of Claimant was [REDACTED]. Karen Christian, FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's FIP case effective 5/19/09?

FINDINGS OF FACT

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

1. The Claimant is an active FIP recipient and was referred to JET.
2. Claimant had medical problems and was noncompliant with JET requirements.
3. The Department gave Claimant a Medical Needs form to be filled out by Claimant's doctor.

4. Claimant turned in a Medical Needs form on 4/7/09. However, Claimant filled in the name/address portion herself. (Exhibit 4).
5. Therefore, the Department scheduled a triage on 5/14/09. (Exhibit 2).
6. At the triage meeting, the Department gave Claimant a second Medical Needs form with a due date of 5/18/09. (Exhibit 3).
7. The Department closed Claimant's FIP case on 5/19/09.
8. Claimant turned in the Medical Needs form, completed by the physician on [REDACTED]. (Exhibit 5).
9. The Department then deleted the negative action and reinstated Claimant's FIP case with no loss of benefits.
10. Claimant filed this appeal. The Department received the Claimant's Request for Hearing on May 14, 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 (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).

Federal and State laws require each work eligible individual in a FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-

sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. PEM 233A at 4. Good cause includes being physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information. Id. The penalty for noncompliance without good cause is FIP closure. Id. at 6. If good cause is established the negative action is to be deleted. Id. at 12.

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4.

In the subject case, the Department should have given Claimant a full 10 days to return the verification and an extension if necessary. A simple phone call could have clarified that Claimant had dropped off the form to the doctor and was waiting to get it back. Claimant did not refuse to provide information; she was just trying to obtain it. However, the Department has already corrected its actions in that the negative action was deleted and Claimant is not currently suffering any loss of benefits. Based upon the foregoing facts and relevant law, this hearing request is dismissed with prejudice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department has already corrected its error and Claimant is not suffering any loss of benefits.

Accordingly, this hearing request is DISMISSED with prejudice.

/s/ \_\_\_\_\_  
Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 07/22/09

Date Mailed: 07/23/09

**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.

JV/dj

cc:

