

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2009-28856

Issue No: 1038, 2006,
3008,

Case No: ██████████

Load No: ██████████

Hearing Date:

August 10, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 conducted from Detroit, Michigan on August 10, 2009. The Claimant and her mother ██████████ ██████████ appeared and testified. Karen Brenner, FIM, and Bonita Duncan, FIS, appeared on behalf of the Department.

ISSUES

- 1) Whether the Department properly processed claimant's Food Assistance (FAP), Medical Assistance (MA) application.
- 2) Whether the Department properly denied claimant's Family Independence Program (FIP) benefits for non-cooperation with Work First.

FINDINGS OF FACT

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

1. On June 23, 2009, claimant applied for FAP, MA, and FIP benefits for a household of one person.
2. On June 23, 2009, department requested that claimant provide verification of shelter because the address on claimant's identification card was not the same address claimant listed on the application. (Exhibit 2)
3. On June 23, 2009, claimant requested a hearing to contest the processing of the FAP, MA and FIP, benefits.
4. The verification of shelter form was completed by claimant's mother and returned to the department.
5. The department performed a home call and claimant was at the address listed on application.
6. Claimant received notice but did not attend a June 29, 2009 appointment for the Work First/JET Program.
7. On July 1, 2009 the department opened the FAP and MA benefits retroactive to the June 23, 2009 application date.
8. The department denied the FIP benefits for noncompliance with the work first program.

CONCLUSIONS OF LAW

Food Assistance (FAP) and Medical Assistance (MA)

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the

FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility including completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews. PAM 105.

In the present case claimant filed a request for hearing the same day she filed her application and the department requested the shelter verification. The shelter verification was returned and the department performed a home call to claimant’s address. The department testified the FAP and MA benefits were opened on July 1, 2009 retroactive to the June 23, 2009 application date. Accordingly, the department has not currently taken a negative action or failed to act in a timely manner regarding benefits or services to the claimant. Claimant testified that the department has since provided benefits requested. Claimant complains of the professionalism of department personnel. However this Administrative Law Judge has no jurisdiction for such matters.

Based upon the foregoing facts and relevant law, it is found that the department did properly process claimant's FAP and MA benefits. Therefore, the department's FAP and MA determinations are AFFIRMED.

Cash Assistance (FIP)

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 Dependant 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).

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 the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. PEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PEM 230 A. A mandatory participant in the JET

program who fails without good cause to participate in employment activity must be penalized. PEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. PEM 230(a), PEM 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant testified she received the notice to attend the Work First/JET appointment on June 29, 2009. Claimant testified she was not able to attend the appointment for a number of reasons, including her health. Claimant testified that she is pregnant, suffers from cervical cancer, and was ill because she was without her medications at the time of the appointment. As noted above, claimant's MA benefits opened on July 1, 2009. Therefore claimant had good cause for not attending the Work First/JET appointment on June 29, 2009.

Based upon the foregoing facts and relevant law, it is found that the department's denial of claimant's FIP benefits was in error. Therefore, the department's FIP determination is REVERSED. Claimant testified she does currently have MA benefits and would now be able to attend Work First/JET program barring any other medical complications. Accordingly, the department will reinstate the June 23, 2009 FIP application and refer claimant back to Work First/JET with a new appointment date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's appropriately processed the June 23, 2009 FAP and MA application. Accordingly, the Department's FAP and MA eligibility determinations are AFFIRMED.

This Administrative Law Judge further finds that claimant had good cause for not attending the Work First/JET appointment. Accordingly, the Department's FIP determination is REVERSED.

Therefore, it is ORDERED that the department reinstate claimants June 23, 2009 FIP application and refer claimant back to Work First/JET with a new appointment date in accordance with this Decision.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/08/09

Date Mailed: 09/08/09

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.

CL/dj

cc:

