

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. 2009-30367
Issue No. 1005, 1038
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
August 27, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on August 27, 2009 and claimant was present to testify. [REDACTED] from the [REDACTED] (CMH) was present to testify on claimant's behalf. Nancy Donnelly, JET worker, appeared on behalf of the department.

ISSUE

Whether the department properly denied claimant's Family Independence Program (FIP) application for not providing verification of her medical condition or attending Work First?

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 applied for FIP benefits on April 16, 2009 and indicated her medical conditions would prevent her from participating on Work First.

2. The department issued a Verification Checklist on April 16, 2009 for claimant to provide verifications, including medical documentation, or to attend Work First by April 28, 2009. Department Exhibit 1 pg. 4.
3. The department also issued a Work First appointment notice on April 16, 2009 indicating a Work First appointment on April 28, 2009. Department Exhibit 1 pg. 2.
4. The department did not receive any medical documentation and claimant did not attend the Work First appointment.
5. The department denied the FIP application on May 15, 2009.
6. Claimant requested a hearing contesting the closure on July 2, 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 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 Manual Item 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. PEM Manual Item 233(a). If a customer is found in noncompliance with FIP when they are also a recipient of FAP, their FAP case will also be penalized for a minimum of three months under the JET program. PEM Manual Item 233(b); 42 USC 607. 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 Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

Under PEM 230 A, when a client states they are disabled or indicates that they may be unable to participate in work or JET because of a mental or physical condition, injury, illness, impairment, or problem (including those who have applied for RSDI/ SSI) at intake, re-determination or anytime during an ongoing benefit period, the department is to request that the client to provide verification from their doctor. PEM 230 A.

In the present case, claimant notified the department that her medical conditions would prevent her from participating in Work First when she filed the FIP application on April 16, 2009. That same date, the department issued a Verification Checklist for claimant to provide, in

part, medical documentation or to attend Work First with notice given of an April 28, 2009 Work First appointment.

Claimant testified she submitted all the requested verifications that were in her control to the department and gave the requested medical form to her doctor at [REDACTED] to complete and submit by the due date. Claimant's witness testified that during meetings she had with claimant in the relevant time period she recalls claimant stating she would give the form to her doctor to complete. The department testified that while the other verifications requested on the checklist were received, they were needed for other benefit programs and were not related to the FIP application. Department testified that the medical form or Work First attendance was required for the FIP case.

Claimant testified that she assumed the medical form was submitted to the department by the due date and did not check with her doctor's office or with the department to see if the medical form had been completed and returned. Claimant further testified that [REDACTED] has since left [REDACTED] so she can not find out if the doctor completed the form and sent to the department.

Claimant testified she did not attend the April 28, 2009 Work first appointment because she was recovering from an [REDACTED] surgery, the third of four total surgeries she has undergone for breast cancer. Claimant has submitted evidence of an [REDACTED] same day surgery appointment. Claimant Exhibit 1. Claimant testified she did not call anyone to let them know she was not attending the Work First appointment because she assumed the department received the requested form from her doctor and there was no need for her to attend the Work First appointment.

Based upon the foregoing facts and relevant law, it is found that department's FIP eligibility determination was correct. The department did not receive any medical

documentation and claimant did not attend the Work First appointment. While this ALJ does sympathize with claimant's circumstances, claimant is unable to show that the needed medical documentation was ever submitted to the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant failed to return the requested medical verifications or to attend Work First.

Accordingly, the Department's FIP determination is AFFIRMED.

Colleen Lack

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

Date Signed: 09/25/09

Date Mailed: 09/29/09

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:

[REDACTED]