

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: 2009-30838
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Gladwin 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 August 19, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) benefits in June, 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 applied for FIP on February 4, 2009 and claimed disability that would last longer than 90 days. Claimant's FIP benefits were approved and she was referred to Michigan Rehabilitation Services (MRS), with an orientation session appointment for May 5, 2009. (Department's Exhibit 15).

2. Claimant called MRS on May 5, 2009, 35 minutes after her 10:00 A.M. appointment to state she had babysitting issues and thought the appointment was for 10:30 A.M. (Department's Exhibit 14).

3. Claimant was rescheduled for MRS orientation for May 27, 2009. (Department's Exhibit 13). Claimant did not keep this appointment or call to cancel it, and this information was given to claimant's caseworker by MRS staff. (Department's Exhibit 12).

4. On June 2, 2009, department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for June 18, 2009, to give her an opportunity to show good cause for non-compliance with MRS appointments. (Department's Exhibits 9 and 10).

5. Claimant was a no show/no call for the triage appointment and department took action to terminate her FIP benefits effective July 8, 2009. Claimant requested a hearing on June 26, 2009 and department deleted negative action pending the outcome of this hearing.

6. Claimant did provide a statement in June, 2009 from a doctor with a date that appears to be altered saying she was unable to attend Michigan Works as she was seen on May 27, 2009, for severe abdominal and back pain. (Department's Exhibit 16). Department did not find this statement acceptable.

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).

If a FIP client indicates they have a long term disability (i.e. longer than 90 days), departmental policy does require they be referred to MRS for an evaluation. If MRS determines they can work with a particular client, the client satisfies employment-related activity requirements. If MRS is unable to work with a particular client, either because the client does not wish to utilize their services or they cannot benefit from such services, department is to forward client's medical information to Medical Review Team to determine if an employment-related exemption is in order. PEM 230A.

In claimant's case, she did indicate she had a long-term disability, and was informed about MRS referral and participation requirements. Claimant was interested in applying for MRS services, but then missed two orientation appointments. First appointment was on May 5, 2009 and claimant did not keep it as she reported baby sitting problems 35 minutes after the appointment was to start. It appears that the claimant would have planned ahead and arranged for a baby sitter for this appointment, as her appointment was scheduled on April 24, 2009 and she was given a written notice of it. Claimant was excused for this no-show and rescheduled for May 27, 2009. Claimant states she did not call about this appointment because she did not write it down and forgot about it, even though she was again notified in writing of the appointment as early as May 7, 2009. Claimant further states she was at the doctor's office on this date and provided a statement with a date that appears to be altered. Claimant explains she did not keep the triage appointment because she also did not write this appointment down (even though she was sent a letter about it), and anyway assumed she would not need to show up.

Claimant was required to report to MRS due to her claim that she has a long term disability. Claimant was given ample opportunity to do so, but failed to comply. Claimant also ignored the triage appointment. It is noted that this is claimant's third instance of JET noncompliance, and she should therefore be well-versed of what is expected of her. Even if the claimant was indeed sick on May 27, 2009 she should have contacted either MRS or her caseworker to explain the reason for her absence at least that same week. Department's proposed termination of claimant's FIP grant is therefore in accordance with departmental policy, PEM 233A, and correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's FIP benefits in June, 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: September 8, 2009

Date Mailed: September 9, 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]