

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: 2009-34015  
Issue No: 5016, 1013, 6027  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
October 8, 2009  
Oakland 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 held on October 8, 2009. The Claimant appeared and testified along with her mother, [REDACTED]. Willard Anzaldi, JET Coordinator, and Stephanie Walling-Ford, FIS appeared on behalf of the Department. Ms. Megan McLosky from the Ferndale Career Center was also present.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application?

Whether the Department properly processed Claimant's Child Dependent Care ("CDC") case upon transfer from another county?

Whether the Department properly terminated Claimant's Family Independence Program ("FIP") benefits for failure to attend JET Orientation?

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 was an active FIP and CDC recipient in Wayne County.
2. Claimant's CDC benefits were sanctioned ending 4/1/09.
3. Following the sanction, Claimant moved to Oakland County and her case was transferred.
4. Claimant testified that she was told because of the transfer, the CDC benefits would be placed into effect by the Department in Oakland County.
5. Claimant testified that she had a meeting in Oakland County on 6/7/09 where she discussed CDC benefits with the Department and was told that they would check into Claimant's eligibility.
6. CDC benefits were not put into effect until Claimant reapplied for benefits in Oakland County on 6/29/09.
7. Claimant also applied for SER benefits for utilities on 6/29/09.
8. The Department denied SER benefits on 7/29/09 as the utility bill was not connected to Claimant's current address. (Exhibit 2)
9. Upon transfer of Claimant's FIP case to Oakland County, Claimant was referred to JET.
10. On 5/27/09, the Department scheduled JET orientation for Claimant for 6/1/09 or 6/8/09. (Exhibit 1, p. 2).
11. Claimant failed to appear at JET orientation on either date.

12. Claimant testified that on [REDACTED] she was out of town for a funeral. Claimant further testified that she did not show on 6/8/09 because CDC benefits were not activated and she did not have child care for her two year old.
13. On 7/11/09, the Department mailed out a Notice of Noncompliance scheduling a triage for 7/17/09. (Exhibit 1, p. 4).
14. Claimant failed to call or attend the 7/17/09 triage.
15. Therefore, the Department found no good cause for Claimant missing the JET Orientation and terminated FIP benefits.
16. On July 31, 200, the Department received the Claimant's Request for Hearing protesting the denial of the SER application, the lack of CDC benefits and the FIP termination.

#### CONCLUSIONS OF LAW

##### **A. State Emergency Relief ("SER")**

The State Emergency Relief ("SER") program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.* and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. The standard of promptness for a SER application is 10 days beginning with the date of application. ERM 103, p. 4. Low-income households who meet eligibility requirements may receive assistance to help them meet their household heat and

electric costs. ERM 301, p. 1. Payments are authorized when the group's heating or electric service *for their current residence is, or will be, shut off, or when payment is necessary to restore services.* ERM 301, p.1 (emphasis added). A bill does not have to be in the client's name; however the bill must be connected to the group's current address. If a previous bill, from the same provider, is transferred to the account at the current address, it is considered to be connected to the service at the new address. Id. SER payments are not authorized unless the group's required payments are made during the 30-day authorization period. ERM 301, p. 5.

In this case, the Claimant filed a State Emergency Relief application seeking assistance for heat and utility services. However, Claimant testified that at the time of application, she was living with her mother and the utilities were in her mother's name. The Department and Claimant both testified that the utilities bills were for Claimant's previous address in Wayne County from which Claimant moved in May of 2009. The regulations are clear that the payments are authorized for the current residence only. Therefore, Claimant did not qualify for SER assistance at the time of application.

Since Claimant is no longer living with her mother, if Claimant's previous bill is transferred to her current address then the bill will be connected to Claimant's current address. Claimant is, therefore, encouraged to reapply for SER benefits.

Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's 7/29/09 SER denial is AFFIRMED.

**B. CDC**

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 (formerly known as the Family Independence Agency) 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).

A request for public assistance may be in person, by mail, telephone or through by an internet application. PAM 110, p. 1. Clients must complete and sign public assistance applications. PAM 115, p. 1. An application is incomplete until enough information is provided to determine eligibility. PAM 115, p. 3. Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105, p. 1. The date of application is the date the local office receives the required minimum information on an application. PAM 110, p. 5. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115, p. 15. Reinstatement restores a closed program to active status without completion of a new application. PAM 205, p. 1.

Claimant testified that she previously applied for CDC benefits in Wayne County. The Department failed to provide any evidence to the contrary. Furthermore, the Department failed to reprocess Claimant's CDC benefits following the sanction period and before the case transferred. Once the case transferred, Claimant inquired about the status of her CDC benefits prior to the date of her scheduled JET orientation. As PAM 205 allows a reinstatement of benefits without a new application and sufficient information, pursuant to PAM 115, was contained in Claimant's case file to process CDC benefits, the Department should have determined eligibility rather than requiring Claimant to reapply.

Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's failure to reinstate or process Claimant's CDC application is REVERSED.

**C. 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 (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 having an immediate family member with an illness or injury that requires in-home care by the client. Id. It also includes lack of child care that is appropriate, suitable, affordable or within reasonable distance of the client's home or work site. PEM 230B, p. 8. The care must be appropriate to the child's age, disabilities and other

conditions. Id. The penalty for noncompliance without good cause is FIP closure. PEM 233A at 6. If good cause is established the negative action is to be deleted. Id. at 12.

In this case, the Claimant provided credible testimony that she was out of town for a funeral on the first scheduled JET orientation and further that she did not have affordable child care prior to the Department closing her case. Furthermore, Claimant testified that she discussed CDC benefits with the Department prior to the second scheduled JET orientation date. According to the applicable regulations, the undersigned finds that Claimant had good cause for not attending the scheduled JET orientations. Therefore, Claimant was compliant with Work First requirements and a triage was unnecessary.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED. It should be noted that the jurisdiction of this Administrative Law Judge is limited to a review of the facts relating to the issues contained in the subject hearing request.

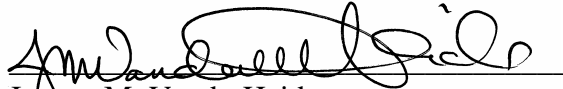
#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds as followed:

It is ORDERED that

1. The Department properly denied Claimant SER benefits as Claimant's utility bills were from a previous residence. The Department's 7/29/09 SER denial is AFFIRMED.
2. The Department failed to process or reinstate Claimant's CDC benefits following case transfer between counties. The Department shall:
  - a. Process and reinstate Claimant's CDC benefits, subject to eligibility requirements as of the date of Claimant's inquiry into said benefits, 6/7/09.
  - b. The Department shall further supplement the Claimant for any lost benefits she was otherwise entitled to receive pursuant to Department policy.

3. The Department's 7/17/09 FIP closure is REVERSED. Furthermore,
  - a. The Department's 7/11/09 negative action for noncompliance shall be deleted.
  - b. The Department shall reopen Claimant's FIP case from the date of closure, and the Department shall supplement the Claimant with any lost benefits she was otherwise entitled to receive.



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

Date Signed: 11/03/09

Date Mailed: 11/09/09

**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:

