

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.: 2009-34296

Issue No.: 1038

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 8, 2009

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on October 8, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. The claimant was an ongoing FIP recipient.
2. The claimant was required to participate in job related activities.
3. On August 5, 2009, the department sent the claimant a notice of Jobs Education and Training (JET) noncompliance with a triage scheduled for August 12, 2009. (Department exhibit 5).

4. On August 12, 2009, the claimant attended the triage and told the department that she was in college and not able to attend JET.
5. The department moved to close the claimant's FIP
6. On August 20, 2009, the Claimant filed a request for a hearing.

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).

In the instant case, the Claimant failed to attend JET. At a triage scheduled to address the claimant's reasons for her noncompliance the claimant stated that she was attending college and not able to attend JET.

In the instant case, the claimant states that she disagrees with departmental policy that does not allow for college attendance as an alternative to JET. The claimant admittedly did not participate in work related activities but relied on her college participation as an alternative.

Meeting Participation through education

Dependents

Clients who are WEIs and full-time students in elementary or high school are noted here.

Age 16 or 17

Use Employment Code “SE” for full-time high school students this age. S/he is neither required to submit a FAST, develop an FSSP nor participate in employment services as long as s/he continue full-time school attendance.

Age 18 or 19

Full-time high school students expected to graduate (or complete the requirement to graduate) by age 20. Use employment code “SE”. S/he is neither required to submit a FAST, develop an FSSP nor participate in employment services as long as she continues full-time school attendance.

Adults

Minor Parent Grantees

Minor parent grantees who are full-time high school students are regarded as fully engaged in required activities even though his/her education does not meet the federal requirements. Enter the education activity on the FSSP under the “Goal and Activities” tab, “Non-Core Activities”, “High School Completion/GED”. Enter 30 hours per week of actual participation upon receipt of verification the student is attending full-time and in compliance with high school completion activities. Use Employment Code “SE”. (PEM 230A, pp. 7-8)

This ALJ agrees and sympathizes with the claimant in this instance but a ruling against departmental policy is not able to be rendered.

This ALJ finds that the department correctly denied the claimant’s FIP due to the claimant’s lack of compliance with work related activities.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/4/09

Date Mailed: 12/4/09

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 receipt 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.

MJB/jlg

cc:

