

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: 2009-5772

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 2, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on February 2, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

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 in October 2008.
- (2) A Department worker interviewed Claimant on October 21, 2008.

(3) The Department informed Claimant that his participation in the Jobs, Education and Training Program (Jet) was mandatory. (Exhibit 4).

(4) Claimant signed the DHS-1538 form, Work and/or Self-Sufficiency Rules for Cash Recipients, on October 21, 2008. The form notified Claimant of his JET requirements, including that he “must attend JET within 20 days of this notice.” (Exhibit 4).

(5) On October 21, 2008, the Department also sent Claimant a JET appointment notice, DHS-4785, stating that his JET appointment was [REDACTED] (Exhibit 3).

(6) Claimant did not attend the JET appointment. Claimant missed the JET appointment because his daughter became ill at school and he had to pick her up.

(7) Claimant called the Department worker at 8:00 am, which was one hour prior to the JET meeting, to report his inability to attend the meeting and to reschedule another JET appointment.

(8) On November 6, 2008, the Department sent Claimant an Application Eligibility Notice, DHS-1150, to inform him that his application had been denied due to failure to attend the JET appointment on [REDACTED]

(9) Claimant disagreed with the Department’s determination to deny his application on the grounds that he had timely called to report his inability to attend the meeting and to request a new JET appointment date. (Exhibit 1).

(10) The Department received the hearing request on November 13, 2008. (Exhibit 1).

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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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, pg. 1)

NONCOMPLIANCE

PENALTIES AT APPLICATION

Noncompliance by a WEI while the application is pending results in **group** ineligibility. (PEM 233A, pg 5).

Under PEM 233A, a good cause determination is not required for applicants who are non-compliant prior to opening a FIP case. In this case, Claimant was an applicant. He did not report to JET because he had to pick up his daughter from school due to the child's illness. However, under PEM 233A, the Department is not required to make a good cause determination before denying benefits to an applicant. Therefore, the Department properly denied Claimant's application even though he failed to attend his JET appointment due to no fault of his own. Consequently, Claimant must reapply for FIP benefits and attend his scheduled JET appointment in order to be considered for benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied Claimant's application for FIP benefits. Accordingly, the Department's action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 6, 2009

Date Mailed: February 27, 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 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.

TLW

cc:

