

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: 201021559
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 18, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 by the undersigned Administrative Law Judge in Detroit, Michigan on March 18, 2010. The Claimant appeared and testified on her own behalf. Tiffany Madden, Jet Coordinator appeared on behalf of the Department.

ISSUE

Did the Department of Human Services (DHS) correctly deny the Claimant's application for the Family Income Program, ("FIP") for the claimant's failure to attend work-related activities through the JET program as required?

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 applied for FIP benefits on October 30, 2009.

2. At the time of the application, the claimant was given a medical needs form to have completed so that she could be deferred from attending the JET program. The Claimant was also sent a medical needs form by mail.
3. The DHS worker, who interviewed the claimant at application, advised the claimant that she would be eligible for a deferral from attending the JET program if she provided a note from the claimant's son's school to establish that the claimant was required to give her son an insulin shot daily while he was at school. The claimant was asked to get the note from school so that the claimant could be deferred from JET until she could get the medical needs form completed by a doctor with regards to her son's need for insulin shots.
4. The claimant did not provide a note from the claimant's son's school within the time provided and did not inform her worker that she could not submit the medical needs form by the due date.
5. The claimant was referred to JET on November 13, 2009 by the Department because she was not deferred and had not returned the note from the school or the medical needs form, nor asked for an extension to file same. (Exhibit 1)
6. The claimant reported to JET on November 13, 2009 but left because she had to go give her son an insulin shot at school.
7. On November 13, 2009, when the claimant left JET, she was advised that she was required to attend JET all day and would be counted as not present if she left.
8. The claimant left JET to give her son a shot and did not return.
9. The Claimant never turned in the medical needs form as requested.
10. The claimant could not get the medical needs form completed by a doctor until December 17, 2009.

11. The Claimant's FIP application was denied on November 23, 2009 for failure to attend JET as required. (Exhibit 2)
12. The Claimant requested a hearing on February 1, 2010 protesting the closure of her FIP application.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

All Family Independence Program (FIP) and Refugee Assistance Program (RAP) eligible adults and 16- and 17-year-olds not in high school full time must be referred to the Jobs, Education and Training (JET) Program or other employment service provider, unless 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 to find employment. BEM 230A, p. 1. A cash recipient who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A, p. 1.

A Claimant may be deferred from participation in JET if they qualify for a deferral and that deferral is verified. BEM 230A , page 28. In the present case, the claimant's worker testified credibly that a deferral was discussed with the claimant upon application and a medical needs form was provided to the claimant to be completed by her son's doctor to substantiate the

medical need for the Claimant to provided insulin shots for her son. BEM 230A, page 19.

Additionally, the worker credibly testified that she asked the Claimant to provide a note from her son's school verifying that she gave her son a daily shot which would have substantiated a temporary deferral. The worker left the matter open and did not assign the Claimant to JET for 13 days and finally, after not receiving the requested information or a request for more time, she scheduled the Claimant to attend JET.

After being assigned to JET, the claimant failed to provide DHS with either piece of information it had requested to support a temporary deferral and thus was assigned to JET. The Claimant reported to JET, left, and never returned. The Claimant left a message for her worker that day explaining that she had to leave to give her son his shot.

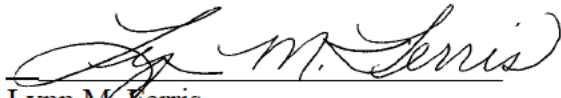
At no time did the Claimant attempt to attend JET after November 23, 2009 or seek an extension for the medical needs form or provide the requested simple note from her son's school. It is also noteworthy that the worker also mailed the claimant a medical needs form as well as gave the claimant a form during her application interview. The Claimant's only excuse was that she could not get the medical needs formed filled out until after the JET appointment. Although this may be true, the Claimant did not communicate that fact or the need for additional time to have the form completed. The Department was left with no choice but to deny the application once the Claimant failed to attend JET and did not provide the requested verification of medical needs.

Under these circumstances, it must be determined that the Department properly denied the claimant's application as provided in BEM 233A, page 5.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant failed to participate in the JET program during the period that her application for FIP benefits was pending and that the Department properly denied the Claimant's FIP application for that reason.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/13/10

Date Mailed: 04/16/10

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.

LMF/dj

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