

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.: 2010-236
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 28, 2009
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on October 28, 2009 claimant was present and testified, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] FIM appeared for the department and testified.

ISSUE

Was the department correct in closing FIP benefits on August 31, 2009 for failure to attend redetermination meeting?

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 was a FAP and FIP recipient.
- (2) A redetermination packet for FIP with a notice of an interview scheduled for August 4, 2009 was sent to claimant.
- (3) Claimant did not appear for the August 4, 2009 annual review meeting.

- (4) Claimant did not receive notice of the meeting or the redetermination packet.
- (5) On August 20, 2009 the Department closed claimant's FIP benefits effective August 31, 2009 for failing to attend the scheduled redetermination appointment.
- (6) Claimant requested a hearing on September 14, 2009 contesting the closure of FIP.
- (7) Claimant abandoned her appeal with regard to her FAP benefits.

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 Dependant 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).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the 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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. PEM 230A.

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client

or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, claimant's FIP benefits were closed on August 31, 2009 for allegedly failing to submit a redetermination packet and failing to appear at a scheduled interview. The Department presented no evidence that notice of the scheduled interview was sent to claimant. Claimant credibly testified that she received no notice of the scheduled interview and that she did not receive the redetermination packet. Therefore it was improper for the Department to close claimant's FIP benefits for failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the closure of FIP benefits, and it is ORDERED that the department's decision in this regard be and is hereby REVERSED and that the department shall reinstate claimant's FIP benefits back to August 31, 2009 closure date.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2010-236/AM

Date Signed: 11/10/09

Date Mailed: 11/10/09

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.

AM/jlg

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