

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201037382

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 24, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 June 24, 2010.

ISSUE

Was the claimant's FIP application properly denied for a failure to provide verifications of medical needs or attend the JET program?

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 FIP applicant in Wayne County.
- (2) On May 6, 2010, claimant was interviewed, where she told her caseworker that her child had severe medical problems.
- (3) Claimant was advised of JET requirements.

- (4) Claimant was given a medical needs form to take to her doctor in order to process a JET deferral.
- (5) Claimant was told that she would have 10 days to return the form.
- (6) Claimant was also assigned to JET and given a last day to attend orientation of May 21, 2010.
- (7) Claimant was told that if the medical needs form was returned timely, her JET appointment would be cancelled if appropriate.
- (8) The medical needs form was not returned by May 21, 2010.
- (9) On May 24, 2010, claimant's FIP application was denied for failure to attend JET in accordance with BEM 233A.
- (10) No other documentation regarding claimant's child's illness had been submitted to the caseworker.
- (11) On May 25, 2010, the medical needs form was returned, and indicated that the claimant could only work if her child had a trained caregiver.
- (12) DHS was unable to reopen claimant's case and process the application.
- (13) On May 28, 2010, claimant requested 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 (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).

Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. BAM 130. Verifications are due ten days after the initial request; however, this time limit may be extended at least once upon request. BAM 130. An application is considered incomplete until all required information is submitted. BAM 130. An incomplete application may be denied. BAM 130. Individual statements regarding age are to be accepted at face value; verification is only required if the individual's statement is inadequate or inconsistent. BEM 240.

If a claimant fails to attend the JET program without good cause at program application, the FIP application is to be denied. BEM 233A.

In the current case, claimant was told that she needed to obtain and return a medical needs form within 10 days in order to be deferred from JET. Claimant's medical needs form was not returned in a timely manner; DHS was not sent the form until the day after claimant's application had been denied. In the meantime, claimant had failed to attend the mandatory JET classes, which led to claimant's FIP application denial.

The Department was correct when it requested verification of claimant's child's medical needs. The Department was unable to process a JET deferral unless claimant's child's medical needs had been documented. Until the medical needs were

documented, the Department was unable to award a JET deferral. Therefore, until the needs form was returned, claimant still had a duty to attend JET classes. If the claimant failed to attend JET classes, that failure could have been mitigated by a subsequent returning of the medical needs form, if the form was returned prior to the negative action date—a deferral would have been granted, and the need to attend JET would have been removed from claimant's case, making her failure to attend JET meaningless.

Unfortunately, the medical needs form was not returned until the day after claimant's application was denied. Up until that point, the Department had had no contact with the claimant, and was only aware that claimant had failed to attend JET, which claimant was still required to attend. If claimant had contacted the Department, and explained the situation or requested an extension, negative action could have been avoided and a denial delayed until the return of the form. This was not the case.

The Administrative Law Judge may only consider whether the Department's actions at the time of the negative action were correct, based upon the information the Department had in its possession at the time. At the time of the negative action, the Department was aware there were medical problems with claimant's child, but had no required verification of those problems. It knew claimant had failed to attend the JET program, as was required. Claimant had not contacted the Department to request an extension with regard to her verifications. Therefore, as the Department was only aware that claimant had not returned required verifications, and that claimant had failed to attend JET, the Department was correct to deny claimant's FIP application for failure to attend JET, as required by BEM 233A.

Furthermore, while this Administrative Law Judge has held in the past that some sort of good-cause evaluation is required when a claimant fails to attend JET, the undersigned believes that the Department properly evaluated good cause. While the Department was aware of the medical issues facing claimant's family, no documentation had been provided. Good cause must be verified; claimant had not done so. Therefore, the claimant's caseworker evaluated claimant's reasons for failing to attend JET with the information she had on hand, which in the current case was not enough to award good cause and assign claimant another JET date. The Department was thus correct when it denied good cause and denied claimant's JET application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FIP application was correct.

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



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/13/10

Date Mailed: 10/15/10

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.

RJC/dj

cc:

