

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.: 2010-46031
Issue No.: 6019/1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
Oakland County DHS (2)

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 the claimant's request for a hearing. After due notice, a telephone hearing was held on September 15, 2010. The claimant appeared and testified. A witness [REDACTED] also appeared and testified. The Department representative [REDACTED], FIM appeared of its behalf.

ISSUE

1. Did the Department properly close the Claimant's Cash Assistance (FIP)?
2. Did the Department properly deny the Claimant's application for Child Day Care (CDC) 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. The Claimant applied for Cash Assistance on March 23, 2009. The claimant's CDC case closed on October 14, 2009 for non cooperation with child support sanctions. The claimant reapplied for CDC on November 2, 2009 and was again denied due to child support sanctions.
2. The Claimant cooperated with Child support sanctions on November 9, 2009.
3. On December 10, 2010 the Department sent the Claimant's child care provider a Child Care Provider Verification which was due on December

21, 2009 which was received by the Department after the due date, on January 4, 2010.

4. The Claimant was sent a letter on December 10, 2009 requesting her to attend orientation for the WorkFirst program. The orientation was scheduled for December 17, 2009. The claimant did not attend.
5. The claimant was sent a letter for a triage appointment on January 27, 2010 and she did not appear at the triage.
6. A notice of case action was sent to the claimant on January 18, 2010 advising her that her FIP case was going to close on February 28 2010.
7. The claimant has reapplied for both FIP cash assistance and CDC. The Claimant's FIP case was opened June 7, 2010.
8. The Claimant's CDC case was closed because the Claimant's brother had not provided proper identification for the Romulus address he listed on the application filed August 4, 2010. The Department also denied the application because the provider has not taken a class required by the application.
9. The Notice to attend Jet orientation was sent to the correct address where the client resided at the time and currently resides. The Claimant stated that she did not receive the notice.
10. The Claimant also stated that she did not receive the notice of triage sent to her at the correct address where she resided at the time and currently resides.
11. The Claimant's FIP case reopened in December 2009 when she cooperated with child support and no sanctions were in place. The FIP case closed in March 2010 through May 2010 due to JET noncompliance. The Claimant reapplied May 14, 2010, in June the claimant received FIP benefits. The Claimant's FIP case closed in July 2010.
12. The Claimant closed her FIP case in July because the Claimant began working.
13. The Claimant became employed in July 2010.
14. The Claimant reapplied for CDC on May 10, 2010 and the application was denied on June 7, 2010 for failure to provide required information. The

DHS form 4025 was not received due May 28, 2010; the Day care provider form also was not received until August 5, 2010 when the day care provider form was returned.

15. The Claimant advised that she had lived at the address where the notices were sent and currently still resides at that address.
16. The Claimant testified that she was deferred from attending WorkFirst in May 2010 because she was attending classes and internship for May and June, 2010.
17. In January the Claimant testified that she was attending school and was deferred as a full time student.
18. The Claimant agreed to provide proof of her attendance at school and internship from her school via fax to the administrative law judge to be included as part of the hearing record. The Claimant agreed to provide the information via fax by Friday, September 17, 2010. The documents were not received as of the date of this decision so a decision was made without the documents.
19. The Claimant filed a request for a hearing on April 21, 2010 and was received by the Department on that date. The hearing request protested the closure of the Claimant's FIP case and denial of her CDC 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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. 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.

In this case the Claimant was referred to WorkFirst orientation and did not attend and also did not attend a scheduled triage. The Department closed the Claimant's FIP case finding the Claimant non compliant. At the hearing the Claimant confirmed that she lived at the address where both notices were sent and did not indicate a problem with her mail. Under these circumstances it must be found that the Claimant received the letters and did not respond to the orientation or triage. There is a presumption that a letter which is properly addressed is presumed to have been received. In this case given the numerous notices that were allegedly not received, and based upon the credible testimony of the Department, it is found that the claimant did receive the notice of orientation and triage and did not attend to either appointment.

At the hearing the Claimant indicated that she was in school during the period beginning either September or August 2009 for seven months and two months orientation which began in May 2010 when her sanctions for non compliance were still in place. The Claimant claimed that she was deferred or should have been deferred from the JET program. The Claimant said she gave the information regarding her school attendance to her worker and her mother also dropped off the information to the Department. The Claimant testified that she also provided the information to the JET program at the end of May 2010 when she began an internship. The Department had no record of the submission.

The Claimant was given an opportunity to provide evidence from her school that she was attending school during the period and that she was attending an internship supporting that she should have been be deferred from the JET program. The Claimant was given an opportunity to fax the information to the administrative law judge by September 17, 2010 and did not do so. Based upon the evidence produced at the hearing it is found that the Department's closure of the Claimant's FIP cash assistance case was correct and must be upheld.

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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In order to be eligible for CDC the necessary forms must be returned by the due date if they request verification of information. It appears that the forms submitted by the Claimant and the provider were incomplete and the day care provider submitted the forms after the due date. Based on these facts the Department properly denied the Claimant's applications filed in May and August, 2010 for CDC benefits. The Claimant is entitled to reapply for CDC benefits at any time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law hereby AFFIRMS the closure of the Claimant's FIP case for non compliance with the JET program.

The Department's denial of the Claimant's CDC applications in May and August 2010 for failure to provide the necessary information requested by the due date by the Claimant and her provider is also AFFIRMED.



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

Date Signed: 9/27/2010

Date Mailed: 9/27/2010

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.

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