

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: 2010-5858

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 15, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 on December 10, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Family Independence Program (FIP) application for failure to attend the in-person interview in May, 2009?

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 submitted an application for FIP (cash) benefits on April 14, 2009.
2. The claimant was mailed an Appointment Notice (DHS-170) on April 14, 2009, scheduling her WF/JET intake appointment for April 24, 2009. (Department Exhibit 1 – 2).

3. The claimant did not attend her intake interview on April 24, 2009 and never attended WF/JET. (Department Exhibit 5).

4. The claimant was mailed a Notice of Case Action (DHS-1605) on May 8, 2009, informing the claimant that her FIP application was denied for failure to attend the WF/JET appointment. (Department Exhibit 3 – 4).

5. The claimant submitted a hearing request on May 26, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Timing of JET Referral

Mandatory JET clients must be sent to JET upon application for FIP. Do not send any others to JET at application, unless a deferred client volunteers to participate. All JET referrals must be sent through ASSIST. ASSIST will generate an automated DHS-2439, Michigan Works Referral to the Michigan Works! Agency's (MWA's) Management Information System (MIS) upon completion of the initial interview in ASSIST. Clients can reapply for FIP at any time after their application is denied for failing to appear or participate with JET.

JET Appointment Notice and JET Attendance Requirements

Exception: Use the DHS-4785, JET Appointment Notice at **application** to schedule an appointment for each mandatory JET participant. Include the date, time and location to appear for their JET assignment. When assigned, clients must engage in and comply with all JET assignments while the FIP application is pending. JET engagement is a condition of FIP eligibility. PEM 229, p. 2.

Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits, if upon the day of case processing the client is in noncompliance with JET. Use ASSIST denial code 463 and CIMS denial code 210 for clients denied FIP benefits for noncompliance while the application is pending. Retain a copy of the appointment notice in the case record. Do not penalize Food Assistance when a client fails to attend JET as a condition of eligibility when the noncompliant person is not active FIP on the date of the noncompliance. Clients must be active FIP to apply a FIP penalty to the FAP case.

In this case, the claimant submitted an application for cash assistance (FIP) benefits on April 14, 2009. On April 14, 2009, the claimant was mailed an Appointment Notice (DHS-170), requiring her to attend an in-person interview on April 24, 2009. The claimant did not attend the appointment. Department policy requires the claimant to cooperate with the local office in

determining initial and ongoing eligibility. PAM 105. Department policy also indicates that failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. PEM 229.

The claimant testified that she had an operation on her leg on April 6, 2009. The claimant further testified that she didn't open the letter for the interview until after the interview was scheduled. The claimant stated that she thought it was something from the courts and didn't open it right away. The claimant then stated that she called to reschedule the appointment and even came into the office to reschedule the appointment.

However, the department representative checked through the front desk sign-in log for April and May, 2009 and checked the case worker's telephone log. The front desk log did not show the claimant signed-in at all during the months of April or May, 2009. The caseworker's telephone log showed three calls from the claimant, but not until May, 2008. The calls occurred on May 7 (regarding a shut-off), on May 12 (regarding if the FIP case had started) and on May 18 (nothing specific noted). Each of these calls occurred after the claimant's FIP application had already been denied. There was no evidence that the claimant called or came into the local office to reschedule the required appointment.

The appointment was mandatory for the claimant to attend in order for the department to open her FIP benefits. As the claimant did not attend the appointment and there is no evidence that she attempted to reschedule, the department properly denied the FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's FIP application because the claimant did not participate in the required personal interview.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 1, 2010

Date Mailed: February 3, 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 60 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.

SLK 

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