

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: 2010-6177
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 18, 2010
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 February 18, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in October, 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. Claimant applied for FIP benefits on April 27, 2009 stating she was a victim of domestic violence and residing at S.A.F.E. place, a shelter. Claimant was given a deferral from participating in Jobs, Education and Training (JET) program and her FIP case was opened on May 17, 2009. (Department's Hearing Summary).

2. On July 13, 2009, claimant was sent a JET Appointment Notice (DHS-4785) to begin participation in this program on August 3, 2009. (Department's Exhibit 1).

3. Claimant failed to attend JET. On August 24, 2009, department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for September 1, 2009 to discuss her reasons for JET noncompliance. (Department's Exhibit 2).

4. Claimant signed a First Noncompliance Letter, DHS-754, on September 1, 2009, agreeing she was noncompliant without good cause and also agreeing to attend JET orientation starting September 8, 2009. (Department's Exhibit 4).

5. Claimant did not attend JET orientation stating she had medical reasons which prevented her from participation. Claimant was mailed a Medical Needs, DHS-54A, form on September 9, 2009, to verify her alleged medical condition.

6. Department received DHS-54A on September 21, 2009. Form was completed by claimant's therapist and listed her diagnosis as major depression, but that she had not been seen since April 3, 2009. (Department's Exhibits 5 and 6).

7. Department found no good cause for claimant's JET non-participation and took action to terminate claimant's FIP benefits effective October 5, 2009. Claimant requested a hearing on November 3, 2009, after her FIP benefits already closed.

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 Program Reference Manual (PRM).

Departmental policy requires that all non-deferred FIP applicants and recipients participate in employment and self-sufficiency-related activities and to accept employment when offered. If a client fails to participate in such activities without good cause they face consequences, namely denial of application or closure of FIP case for a minimum of three or 12 months. BEM 233A.

Departmental policy does allow for temporary deferrals from the JET program participation, one reason for such deferral being a client that is a victim of domestic violence. BEM 230A. Department did defer the claimant from JET participation from April to August, 2009 due to her being in a shelter and a victim of domestic violence. Such a deferral is temporary and department referred the claimant to the JET program in August, 2009. Claimant failed to attend the JET program and claims she never received the JET appointment notice mailed to her on July 13, 2009 at a [REDACTED] address from which she states she moved in July, 2009. Claimant's caseworker testified that the claimant did not report a change of address until July 31, 2009, and that no mail was returned for her. Claimant states that someone may have been taking her mail. Claimant further states that she told her caseworker at the triage meeting of September 1, 2009, that she did not get the JET appointment notice, however the caseworker denies that the claimant said anything about this. Caseworker's testimony is found to be credible as it appears peculiar that the claimant would sign the First Noncompliance Letter agreeing she was JET noncompliant, or that the caseworker would not take into account her claim that she did not get the JET notice if the claimant indeed stated this at triage. Claimant's

explanation for signing the First Noncompliance Letter is that she had her children with her and just signed the form.

Claimant also attempted to be deferred from the JET program due to medical issues and provided a Medical Needs form in September, 2009 to verify such issues. However, claimant's therapist had not even seen her since April 3, 2009 according to the form, and department correctly concluded that a deferral due to an ongoing medical condition could not be granted to her.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FIP benefits in October, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 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.

IR [REDACTED]

cc:

[REDACTED]