

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: 2010-12625
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 25, 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 March 25, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in December, 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 was a FIP recipient and a mandatory Jobs, Education and Training (JET) participant when she was placed into triage for not meeting required job search hours.

2. Department mailed the notice of the triage appointment on October 27, 2009. Claimant left a message on November 5, 2009 that she was sick with the flu and could not make the triage.

3. Department claims that another triage letter for an appointment on November 19, 2009 was then mailed to the claimant, however there is no record on the Bridges computer system of this notice.

4. Claimant did not show for the November 19, 2009 triage appointment and department terminated her FIP benefits on December 1, 2009 after finding no good cause for alleged JET noncompliance. Claimant requested a hearing on December 4, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy requires that the department schedule a triage appointment to give clients the opportunity to present any good cause reasons for their alleged JET noncompliance, prior to terminating FIP benefits. BEM 233A. Claimant did not receive the notice of November 19, 2009 triage and department has no record that this notice was sent on the Bridges system, according to caseworker's hearing testimony. Claimant's testimony is that she was evicted out of her previous address, did not have clothes as they were thrown on the street, had no

transportation, was embarrassed to report her homelessness to JET staff, but did report it to her caseworker, etc. Departmental staff did contact the landlord following the hearing who states that the claimant was evicted but at the end of August, 2009, and that bags of her wet clothes were thrown on the street.

It is apparent that claimant has issues that may or may not have affected her ability to participate in JET activities. This is claimant's 3rd JET sanction, resulting in a one year ineligibility for FIP. This Administrative Law Judge finds that department must follow the policy and schedule a triage meeting for the claimant to give her the opportunity to present her reasons for JET noncompliance, as no record of November 19, 2009 triage appointment notice can be found on the Bridges system to prove that one was indeed mailed. At the triage meeting department should consider claimant's living arrangements during the alleged period of JET noncompliance and if she was indeed homeless, and also what other issues she may have been having (i.e. lack of clothes, transportation, etc.). While the department's conclusion that the claimant had no good cause for JET noncompliance may be correct in the end, the seriousness of the claimant being without FIP benefits for a year does require giving her living situation a review during the triage meeting that was not held due to notice mailing failure on part of the department.

DECISION AND ORDER

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

Accordingly, department's action is REVERSED. Department shall:

1. Reinstate claimant's FIP benefits back to the date of December, 2009 closure, and issue her any retroactive benefits she did not receive as the result of the closure.
2. Mail the claimant a notice of triage meeting to discuss her reasons for alleged JET noncompliance.
3. Determine if the claimant had good cause for JET noncompliance and notify the claimant of this determination.

SO ORDERED.

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

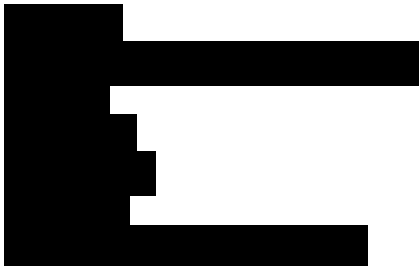
Date Signed: April 12, 2010

Date Mailed: April 13, 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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