

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: 2010-16534
Issue No: 1038, 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2010
Wayne County DHS (57)

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 22, 2010. The Claimant was present and testified. Albert Klimkowski, FIM, and Deborah Sharp, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program (FIP) case (Cash Assistance) for failure to report and participate in the JET program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for Family Independence Program (FIP), cash assistance, on December 14, 2009.

2. The Claimant was assigned to JET on December 18, 2009 to attend orientation and claimed a medical deferral.
3. The Claimant did not attend JET as she received the notice to attend orientation on December 22, 2009, which was already after the scheduled orientation. The claimant was scheduled for JET within 4 days of her application for FIP benefits.
4. The Claimant was provided a medical deferral request on December 28, 2009, and because of the Christmas holidays, the Claimant's doctor's offices were closed so the claimant could not obtain the requested medical information.
5. The claimant finally obtained the requested information, but her application had already been denied for failure to attend JET and/or provide the department with the medical deferral information.
6. At the time of the hearing, the Claimant was 34 weeks pregnant.
7. The Claimant requested a hearing on January 15, 2010 protesting the denial of her FIP application.
8. As a result of the hearing, the Department and the Claimant reached a settlement.
9. At the hearing, the Department agreed to reopen and reinstate the Claimant's FIP application retroactive to December 14, 2009; and allow the Claimant to submit her medical deferral information from her OB/GYN and Psychiatric doctors. The Claimant agreed that she would submit the information within 10 days, or by May 3, 2010, unless she needs an extension. She agreed to request an extension before May 3, 2010, if needed.
10. The Department agreed that it would submit the medical deferral information for medical review by MRT, and if the Claimant was deferred, the claimant would be issued retroactive FIP benefits that she was otherwise entitled to receive. If the

claimant's deferral was denied upon medical review, the department would not be required to issue retroactive FIP benefits.

11. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of the 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 (formerly known as the Family Independence Agency) 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 Program Reference Manual (PRM).

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.

Claimants who are assigned to participate in JET may be deferred if they are medically unable to attend but must submit medical documentation supporting the requested deferral. BEM 230A pages 11 and 12.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reopen the Claimant's FIP application; receive medical information in support of a medical deferral from the Claimant's physicians; and submit the Claimants medical deferral request for review. If the claimant was deemed medically deferred, the Claimant would be eligible for retroactive FIP benefits retroactive to December 14, 2009, the date of the Claimant's FIP application. The claimant agreed to submit the requested information within 10 days or by May 3, 2010, unless the claimant required more time and requested an extension of time to submit the medical records before May 3, 2010.

As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

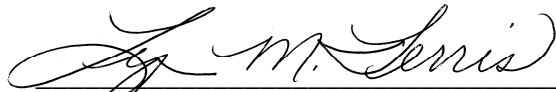
The Department shall reopen and reinstate the Claimant's FIP application retroactive to the date of filing, December 14, 2009.

The Claimant agreed to submit medical deferral information from her doctors to the Department by May 3, 2010. The Claimant must request an extension of time, if one is, needed before May 3, 2010.

Should the Claimant fail to submit the medical documentation supporting her deferral by May 3, 2010 or fail to request an extension of time to submit same, the Department shall have no further obligation with regards to the Claimant FIP application of December 14, 2009 and may proceed in accordance with its policy with regard to the application.

Upon receipt of the medical deferral information, the Department shall submit the medical information for review by the MRT, and if the Claimant is deemed deferred from JET, the Department will provide the claimant with FIP benefits retroactive to the date of her application to the extent she is otherwise eligible.

Should the MRT review find the claimant not deferred from JET, the claimant will not be eligible for FIP benefits.



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

Date Signed: 05/25/10

Date Mailed: 05/26/10

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.

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LMF/dj

cc:

