

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: 2010-28039
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 19, 2010
Lake 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 May 19, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's Family Independence Program (FIP) application in March, 2010?

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 on January 25, 2010. Claimant did not state she was disabled, but did claim she could not work temporarily due to a medical condition.

2. Department gave the claimant a Medical Needs form (DHS-54) to be completed by her doctor for a possible Jobs, Education and Training (JET) deferral.

3. DHS-54 was received by the department on February 11, 2010 and stated that the claimant could work at any job but with limitations. (Department's Exhibits 9 and 10).

4. On February 19, 2010 department mailed the claimant a JET Appointment Notice telling her she must report to Michigan Works (JET) on March 1, 2010. (Department's Exhibit 5).

5. Claimant did not show for the JET appointment and did not call to reschedule. Department denied claimant's FIP application on March 11, 2010 due to her failure to participate in JET.

6. Claimant requested a hearing on March 16, 2010. At the hearing claimant stated that she was sick with a flu on March 1, 2010 and was at the doctor's office on this date. Claimant also stated that "somebody" from the doctor's office called her caseworker to obtain another DHS-54 so they could complete it again indicating a deferral reason.

7. Claimant was given 10 days to obtain a statement from her doctor about her alleged illness on March 1, 2010, and also to get a statement from her doctor's office as to who called her caseworker, when, and what did they say.

8. On June 8, 2010 local county office advised that the claimant has neither contacted her caseworker or provided any of the requested documents. Record was therefore closed on this date.

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 (RFT).

Departmental policy states that all non-deferred FIP applicant be referred to JET. BEM 229. Claimant apparently stated she had a temporary disability and was given a Medical Needs form, DHS-54, for her doctor to complete and indicate if she was indeed unable to work and for what period of time. Claimant's doctor did complete the DHS-54, but indicated that the claimant could work with limitations. Department therefore referred the claimant to JET with an appointment date of March 1, 2010. JET staff consider any limitations a client may have and take them into consideration when fashioning assignments for the particular client. Claimant however failed to attend the JET appointment and also failed to call to reschedule the appointment. Departmental policy mandates that FIP applicants who are not deferred from JET be denied FIP if they fail to participate with JET program during the pendency of their application, and this is what the department did on March 11, 2010.

Claimant testified at the hearing that she was sick and at the doctor's office on March 1, 2010, and also that her doctor's office called her caseworker to ask for another DHS-54. Claimant however provided no verification of her claims even though she was given more than 10 days to do so. Claimant's excuses for not attending JET are therefore found not to be credible. Claimant is advised that she may re-apply for FIP at any time, as there is no sanction period when a FIP applicant fails to comply with JET.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant's FIP application in March, 2010.

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: July 8, 2010

Date Mailed: July 9, 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/tg

cc:

