

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: 2010-29415
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 2, 2010
Kent 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 June 2, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) benefits in February, 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 was a FIP recipient and a mandatory Jobs, Education and Training (JET) participant until January 7, 2010, at which time she provided a medical excuse that exempted her from JET participation until January 22, 2010.

2. Upon expiration of claimant's medical excuse, JET staff mailed her a letter to come back to JET on January 25, 2010. Claimant did not show at JET and a triage appointment was scheduled for February 4, 2010 to discuss her reasons for alleged JET noncompliance.

3. On February 1, 2010 claimant contacted JET Case Manager and asked her to call her doctor's office regarding documentation of further medical issues. Case Manager called claimant's doctor office and was told by a staff member () that the claimant had indeed contacted them requesting she be given a note to excuse her from work past January 22, 2010, but that such note was not given since she was not placed on any restrictions and was able to return to work the day after a surgery she had. (Update/View Case Notes, Department's Exhibit 1).

4. Claimant attended triage appointment and stated that she thought her doctor excused her from JET participation until January 27, 2010. Claimant also stated that she did receive "reengagement letter" from JET telling her to report there on January 25, 2010.

5. Department and JET staff determined that claimant had no good cause for JET noncompliance and action was taken to terminate claimant's FIP benefits.

6. Claimant requested a hearing on February 24, 2010.

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 (PRT).

That the claimant was a mandatory JET participant and had to provide acceptable excuse verification at any time she was not able to attend JET is not in dispute. BEM 230A.

Departmental policy does address medical issues a client may have that prevents JET participation. If a client has a temporary medical condition they can be excused from JET participation up to 90 days, once such condition is verified by a statement from a doctor. If a client claims a long term medical condition that will last over 90 days and that prevents them from JET participation, department is to obtain further medical records and submit them to department's Medical Review Team (MRT) for a determination of needed deferral. MRT may totally exempt a client from JET participation, or may determine that a client can participate in JET with certain restrictions, or may deny a deferral and find a client able to participate in JET without any restrictions.

Claimant states that she thought her doctor exempted her from JET until January 27, 2010. However, claimant is the one that provided the doctor's statement and it is peculiar that she would not know what it said, as she would have presumably discussed her work deferral with her doctor verbally and had the opportunity to read the form prior to submitting it to the department. Claimant also received the "reengagement letter" from JET telling her to report there on January 25, 2010, and this would have been an indication that her doctor's excuse has expired. JET staff also attempted to assist the claimant in verifying her claim that she should be exempt from participation longer than January 22, 2010 by calling her doctor's office, only to be told that the claimant could return to work as of this date without any restrictions (see Statement of Fact #3).

Claimant testified that the doctor exempting her temporarily from JET is a surgeon, and that her primary care physician feels she cannot work at all. While this may be true, claimant provided a work excuse from the surgeon, not her primary care physician. In addition, the claimant is not new to JET, as Update/View Case Notes indicate she was terminated from this program in June, 2009 for not having good cause for her lack of participation, and this was not her first instance of such non participation.

In conclusion, the Administrative Law Judge finds no error in department's determination that the claimant had no good cause for her failure to report to JET upon expiration of her medical excuse.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's FIP benefits in February, 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: June 7, 2010

Date Mailed: June 8, 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:

