

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: 2009-17284

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 5, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on May 5, 2009.

ISSUE

Was the claimant's FIP application properly denied for a failure to attend a JET orientation?

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 Family Independence Program benefits on 12-11-08, after relocating from Grand Rapids.

(2) On 12-22-08, an in-person interview was held with the claimant and a referral to JET was given with an attend date of 1-5-09.

(3) Claimant expressed concern at the interview over the need to find child care for her son by the JET orientation date.

(4) Claimant was told that she shouldn't have any trouble, but if she did, to contact DHS and the orientation date could be delayed.

(5) Claimant encountered trouble with her relocation and finding child care during the week of 1-2-09, and called the DHS on that date.

(6) Claimant was unable to contact her caseworker on that date.

(7) Claimant then tried to contact her caseworker on the following Monday, 1-5-09, but caseworker was attending a training session all that week for the impending switch to the BRIDGES program.

(8) Claimant did not attend her orientation on 1-5-09.

(9) On 2-9-09, a DHS-1150, Application Eligibility Notice, was sent to the claimant, denying claimant's FIP application for failure to attend JET orientation.

(10) On 2-19-09, claimant filed for hearing alleging that she had been unable to contact her caseworker, and that she was unable to find daycare.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program

Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115.

Furthermore, 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. PEM 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. PEM 230A, p. 1. This is commonly called “non-compliance”. PEM 233A defines non-compliance as failing or refusing to, without good cause:

...Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider...” PEM 233A pg. 1.

Noncompliance by a Work Eligible Individual while the application is pending results in group ineligibility; no sanctions are imposed and the individual can apply again. While a good cause determination must be made for noncompliant individuals in an active FIP case, a good cause determination is not required for applicants who are noncompliant prior to FIP case opening.

The claimant testified, and the Department confirmed at hearing that the claimant had tried to contact her caseworker on 1-2-09. Claimant additionally testified that she had tried to contact the Department again on 1-5-09. Claimant testified, and the Department confirmed through message logs, that claimant had made this contact in an attempt to contact her caseworker to get her JET orientation delayed because of inability to find child care, as well as complications in her relocation attempt.

Claimant's caseworker was not made aware of the message because of a miscommunication, and was not aware of it until the case manager checked the phone logs prior to the hearing. The Department testified that if claimant had been able to contact claimant, the JET orientation would have been delayed. The caseworker was unavailable for that week because of State of Michigan mandated training in the BRIDGES system. The entire situation seems to have arisen as a result of simple miscommunication.

As the Department testified that claimant's orientation date should have been delayed, the undersigned therefore finds that the Department was in error when it sent the denial notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FIP application was incorrect.

Accordingly, the Department's decision in the above-stated matter is, hereby,
REVERSED.

The Department is ORDERED to reschedule claimant for JET orientation if it hasn't already done so, and process claimant's FIP application retroactively back to the date of application.

/s/

Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 19, 2009

Date Mailed: May 19, 2009

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

RJC/cv

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