

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: 2009-20836
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 25, 2009
Washtenaw 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 25, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) application in March, 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 applied for FIP benefits on February 17, 2009, and was given an assignment to attend Jobs, Education and Training (JET) by March 11, 2009.
2. Claimant did not attend the JET program according to Welfare Registration, Participant History, computer report (Department's Exhibit #1).

3. Department denied claimant's FIP application on March 11, 2009. Claimant requested a hearing on April 7, 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

That the claimant was required to attend JET orientation as a condition of her FIP eligibility is not in dispute. PEM 229. Claimant however testified that she did attend JET on March 10, 2009 and took a particular test on this date. Further hearing testimony from the claimant and JET MIS Specialist present at the hearing reveals that the claimant indeed attended JET on March 10, 2009, but was in the wrong room where JET orientation does not take place. Claimant states that she came to the JET site and to the particular room; she showed the instructor her paperwork and was told she was in the right room and allowed to stay. JET MIS Specialist explains that the testing room where the claimant ended up is next door to the orientation room, that there is no place/space at the JET site to post signs directing clients to correct rooms, and that the instructor announces what the particular room presentation is for. JET MIS Specialist however also testified that this problem arose in the past (where the clients were in wrong room), and that due to the noise in the rooms instructor's announcement is sometimes difficult to hear. JET MIS Specialist is still however of the opinion that the claimant

should have aggressively pursued correct room she was to be in, that she should have known she was there for orientation and not for test taking, and that this knowledge should have been retained by the claimant because she attended JET orientation in March, 2006.

It is not disputed that the claimant reported to JET site on March 10, 2009, and that the last day to report for her was March 11, 2009. In addition, claimant's testimony that she did ask the instructor if she was in the right room and she did show her paperwork and was told it is the right room is found to be credible, as there is no logical reason for the claimant to have remained in the wrong room if she was told otherwise. This Administrative Law Judge does not agree that it was the claimant's responsibility to argue with JET instructor as to whether she was in the right room or not, and that she should have known what is required of her at the JET site because she was there 3 years before. Department did deny claimant's FIP application on March 11, 2009, based on information from the computer matching system with Work First/JET program. However, hearing testimony establishes that an error occurred at the JET site that was beyond claimant's control and that requires her FIP application denial be reconsidered.

DECISION AND ORDER

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

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

1. Process claimant's disputed February 17, 2009, FIP application and refer her to JET orientation.
2. If the claimant attends JET orientation and meets all other eligibility requirements based on her circumstances in March, 2009 to present (including consideration of any income

claimant has and may be presently receiving), issue the claimant any FIP benefits she was eligible for but did not receive.

3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/

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

Date Signed: June 29, 2009

Date Mailed: July 1, 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 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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