

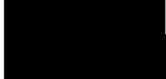

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg No: 2009-25326
Issue No: 1013
Case No: 
Load No: 
Hearing Date:
July 15, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 from Detroit, Michigan on July 15, 2009. The Claimant appeared and testified. Jeffrey Mitchell, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant Family Independence Program ("FIP") benefits for a failure to comply with Work First requirements?

FINDINGS OF FACT

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

1. Claimant applied for FIP benefits on 3/3/09.
2. The Department sent Claimant a notice on 4/21/09 stating she was required to appear for JET orientation on 4/27/09. (Exhibit 1, p. 5).

3. Claimant testified that she presented to Work First on 4/27/09 and discussed with the JET caseworker that Claimant was scheduled for an assessment on 5/12/09 with the City of Detroit Workforce. (Exhibit 1, p. 3). Claimant further testified that the JET coordinator told Claimant that she was not qualified to participate in Work First if she was already participating in Workforce.
4. There was no one from JET present at the hearing to offer testimony.
5. The Department then communicated with Workforce in an attempt to receive verification of the days and times of Claimant's participation. (Exhibit 1, p. 2).
6. The Department entered a negative action for noncompliance with Work First and denied Claimant FIP benefits on 5/14/09.
7. On May 27, 2009, the Department received the Claimant's written hearing request.
8. Claimant is currently still receiving MA and FAP benefits.
9. Claimant was a participant in the Workforce program since 4/2/09 including participation on 6/4/09. (Exhibit 1, p. 6).

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

Federal and State laws require each work eligible individual in a FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. PEM 233A at 4. Furthermore, a client can be deferred from JET requirements under certain circumstances, including enrollment in an approved education program. PEM 230B.

In this case, the Claimant testified credibly that she appeared at JET as scheduled and was instructed by the JET coordinator that she could not attend if she was involved with the Workforce program. Claimant relied on the information provided by the JET coordinator and following through with her commitment to obtain employment through Workforce. The Department argues that Claimant should not have been deferred from Work First unless verification from Workforce showed that Claimant was engaged in employment related activities on the dates Claimant would otherwise have been at JET. Yet, the Department did not notify Claimant that they were unable to obtain said verification. Furthermore, Claimant testified that she never received any more notices from the JET coordinator or her caseworker about attending Work First. Accordingly, the undersigned finds Claimant had Good Cause for missing Work First based on her reliance on communication with the JET coordinator.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is ORDERED:

1. The Department's 5/14/09 FIP denial is REVERSED.
2. The Department shall reopen and reprocess Claimant's FIP cases as of the date of closure 5/14/09.
3. The Department shall delete any negative actions and reimburse Claimant for any lost benefits she was otherwise eligible to receive in accordance with department policy.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/14/09

Date Mailed: 08/19/09

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.

JV/dj

cc:

[REDACTED]