

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: 2009-28264
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 August 19, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine the claimant's Family Independence Program (FIP) case should be denied for Work First/Jobs, Education and Training (WF/JET) program noncompliance in April, 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. The claimant applied for FIP benefits. The claimant and her children's father, [REDACTED], began reporting and participating with WF/JET on April 9, 2009. (Department Exhibit 1, 3).

2. The claimant and [REDACTED] both failed to turn in any job search/job readiness documentation on May 1, 2009, for that week. Both claimants' informed the department they would bring in the documentation on the following Monday. (Department Exhibit 1, 3).

3. The claimants' did not bring in any further documentation and did not attend WF/JET after May 1, 2009. (Department Exhibit 1, 3).

4. On May 6, 2009, the department issued the claimants' a Notice of Case Action that informed the claimants' that the FIP application was being denied due to noncompliance with WF/JET participation requirements by both claimants'. (Department Exhibit 6 – 10).

5. The department caseworker telephoned the claimant's sister, who is her daycare provider, on May 6, 2009, to inform her that the department would need the identification and social security number of her boyfriend as he resides in the home at times. The claimant's sister indicated that the claimants' children were there at that time and that she was still watching the claimants' children. (Department Exhibit 11).

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 Bridges Reference Manual (BRM).

Department policy states:

Timing of JET Referral

Mandatory JET clients must be sent to JET upon application for FIP. Do not send any others to JET at application, unless a deferred client volunteers to participate. All JET referrals must be sent through ASSIST. ASSIST will generate an automated DHS-2439, Michigan Works Referral to the Michigan Works! Agency's (MWA's) Management Information System (MIS) upon completion of the initial interview in ASSIST. Clients can reapply for FIP at any time after their application is denied for failing to appear or participate with JET.

FAST and FSSP Notice

All clients including mandatory JET participants will receive an automated notice upon completion of the initial interview in ASSIST.

JET Appointment Notice and JET Attendance Requirements

Exception: Use the DHS-4785, JET Appointment Notice at **application** to schedule an appointment for each mandatory JET participant. Include the date, time and location to appear for their JET assignment. When assigned, clients must engage in and comply with all JET assignments while the FIP application is pending. JET engagement is a condition of FIP eligibility. BEM 229, p. 2.

Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits, if upon the day of case processing the client is in noncompliance with JET. Use ASSIST denial code 463 and CIMS denial code 210 for clients denied FIP benefits for noncompliance while the application is pending. Retain a copy of the appointment notice in the case record. Do not penalize Food Assistance when a client fails to attend JET as a condition of eligibility when the noncompliant person is not active FIP on the date of the noncompliance. Clients must be active FIP to apply a FIP penalty to the FAP case.

Exception: You must manually provide ineligible grantees and Disqualified Aliens a DHS-1535, FAST Notice, at intake or at review if not completed during the intake process. Enter the FAST notice date on the Family Self-Sufficiency Plan (FSSP) for tracking purposes. BEM 229, p. 2.

Noncompliance is defined by department policy as failing or refusing to do a number of activities, such as attending and participating with WF/JET, completing the FAST survey, completing job applications, participating in employment or self-sufficiency-related activities, providing legitimate documentation of work participation, etc. BEM 233A.

Department policy states that failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits, if upon the day of case processing the client is in noncompliance with JET. BAM 229. The claimant does not dispute that she and her children's father neglected to turn in the job search logs on May 1, 2009. The claimant also does not dispute that she and [REDACTED] did not return to WF/JET and participate any further.

The department testified that as they were processing the case on May 6, 2009, the claimant and [REDACTED] were both in FIP noncompliance, thus, their FIP application was denied. This action was taken according to policy. It is noted that there is no sanction period for the noncompliance because it was an application denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the claimant was noncompliant with WF/JET program requirements when the FIP application was processed and denied the FIP application.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/S/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 14, 2009

Date Mailed: October 16, 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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