

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: 2009-5972

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 4, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 February 4, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

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 October 23, 2008.
- (2) Claimant applied for FIP because due to slow demand at her job at a grocery store, she only worked about 10 days each month.
- (3) The Department informed Claimant that her participation in the Jobs, Education and Training Program (Jet) was mandatory.

(4) About four days after applying for FIP benefits, Claimant began attending the JET program. She reported to a JET location near [REDACTED].

(5) After Claimant had attended JET for a week, the Department worker told her that she was not to go back because her employment verification form indicated that she was employed.

(6) The Department contends that Claimant withdrew her application. It is found that the Department denied Claimant's application for FIP benefits.

(7) On November 16, 2008, Claimant signed a hearing request, noting that she requested a hearing because she was denied FIP benefits. (Exhibit 1).

(8) The Department received the hearing request on November 18, 2008. (Exhibit 1).

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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. (PEM 230A, pg. 1)

NONCOMPLIANCE

PENALTIES AT APPLICATION

Noncompliance by a WEI while the application is pending results in **group** ineligibility. (PEM 233A, pg 5).

PEM 230 requires that work eligible individuals participate in JET “or other employment-related activities.” In the instant case, Claimant did not fail to comply with this requirement. In fact, the evidence presented at this hearing did not establish that Claimant was noncompliant in any way. Claimant complied with the Department’s request that she participate in JET. If Claimant was not required to participate in JET, that alone did not make her ineligible for benefits. The Department did not offer any other evidence that Claimant’s application should have been denied. Neither did the Department offer sufficient evidence that Claimant voluntarily withdrew her application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly denied Claimant’s application for FIP benefits.

Accordingly, the Department’s action is REVERSED. The Department is ordered to reopen Claimant’s FIP case and issue any retroactive FIP benefits that Claimant is eligible to receive.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 9, 2009

Date Mailed: February 12, 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 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.

TLW

cc:

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