

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.: 2009-8221
Issue No.: 1006
Case No.:
Load No.:
Hearing Date:
February 18, 2009
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 18, 2009. The Claimant personally appeared and testified.

ISSUE

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

FINDINGS OF FACT

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

1. The Claimant was a FAP recipient.
2. On November 3, 2008, the Claimant applied for FIP.
3. The Department assigned the Claimant to Jobs Education and Training (JET) with a notice to attend JET orientation by November 24, 2008. (Department exhibit 1).

4. On November 7, 2008, the Claimant called JET and told them she had a job interview on November 10, 2008.
5. On November 10, 2008, the Claimant did not attend JET as scheduled because she had a job interview and was told by JET not to attend.
6. The Department is unable to specify on what date the Claimant's FIP application was denied.
7. On December 10, 2008, the Claimant filed a request for a hearing.

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).

In the instant case, the Department scheduled the Claimant for JET and testified that the Claimant never attended JET.

At the hearing, the Claimant testified that she not only notified JET of a job interview but repeatedly attempted to contact JET after she was excused from attending JET. The Claimant further testified that she signed up for "no worker left behind" and completed that program.

The Department was unable to respond to the claims of the Claimant.

GOOD CAUSE FOR NONCOMPLIANCE

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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination on the DHS-71, Good Cause Determination and the FSSP under the Participation and Compliance tab. (233A, p.4).

Here, the Claimant had good cause because she repeatedly attempted to contact the Department after being excused.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the Claimant's FIP, replace any lost benefits if applicable and reassign her to JET.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/18/09

Date Mailed: 03/18/09

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 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.

MJB/jlg

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