

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: 2009-33157
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 21, 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 on August 10, 2009. After due notice, a hearing was conducted on September 21, 2009. The Claimant appeared and testified. Tenish Carter, FIM and Gwen Burns, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's FIP case for a failure to attend Work First?

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 on 5/18/09.
2. Claimant was referred to the JET program on 6/8/09.

3. Claimant testified that she appeared at the JET program on the scheduled date. However, Claimant informed the JET coordinator that she would be moving. Claimant was then told that she had reported to the wrong JET locations due to her zip code.
4. Claimant testified that she called her case worker and left a message.
5. Claimant's FIP benefits were then denied for failure to attend JET.
6. Claimant reapplied for FIP on 6/23/09. The case opened on 6/23/09 and Claimant received benefits effective 7/16/09.
7. On August 10, 2009, the Department received the Claimant's written hearing request.

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.

In the present case, Claimant testified that she appeared at JET on the scheduled date. There was no JET worker was present at the hearing to contradict that testimony. Therefore, the undersigned finds that the Department has failed to prove that Claimant was noncompliant with Work First.

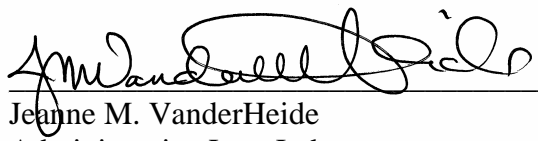
Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's negative action and case closure for noncompliance for missing Work First shall be deleted.
2. The Department shall reopen Claimant's FIP cases as of the date of closure, and supplement the Claimant with any lost FIP benefits she was otherwise entitled to receive.



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

Date Signed: 10/12/09

Date Mailed: 10/13/09

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

2009-33157/JV

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:

