

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: 2009-36329
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 29, 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 September 8, 2009. After due notice, a hearing was conducted on October 29, 2009. The Claimant appeared and testified. Janine Parham, FIM and Margo Sherman, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant's Family Independence Program ("FIP") benefits application 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 August 4, 2009.
2. On the date of application, the Department gave Claimant a referral for JET Orientation scheduled for 8/10/09.

3. Claimant testified that she appeared for JET orientation on 8/10/09 with her Work First referral, but was informed that Claimant was not yet in the system so she was not allowed in. Claimant indicated that she received a date stamp from JET on her referral letter on this date. (Exhibit 1).
4. The Department indicated that the last day to attend orientation was 8/25/09. The Department said it not send Claimant any more notices to attend JET orientation.
5. Claimant testified that she was never informed that she had additional time to attend Work First.
6. Claimant also testified that she called the Department and left several messages without a return phone call. Eventually, the caseworker's voice mail was full and Claimant was unable to leave any more messages.
7. Claimant testified that she received a computer generated notice to attend JET orientation again on 8/31/09. (Exhibit 2).
8. Once again, Claimant appeared and was told that she was not yet in the system. Once again, Claimant's notice was date stamped. (Exhibit 2).
9. The Department produced a document titled "Update/View Activities" which contains the following information message at the top of the page: **No DHS Registration record exists for this applicant.** (Exhibit 3, p. 1).
10. The Department also produced a document titled "Update/View Case Notes." The comments from 9/1/09 indicated "Client attended orientation but there was not a current referral on MIS. Client is to contact their DHS case worker and to report back on Tuesday September 8, 2009 at 8:30 a.m." (Exhibit 3, p. 2)
11. On 8/28/09, Claimant's FIP case was closed for failure to attend Work First.

12. On September 8, 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, there was no JET worker present to testify. The Administrative Judge finds Claimant's testimony that she appeared to the JET orientation(s) credible. Claimant's testimony is supported by the date stamps received as well as the two documents provided by the Department which shows that Claimant still was not registered on MIS on 9/1/09. The testimony and documents in this case show that Claimant attempted to attend Work First and was in compliance.

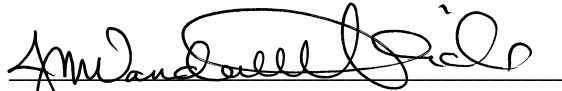
Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

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 of 8/29/09 for noncompliance for missing JET Orientation shall be deleted.
2. The Department shall reopen Claimant's FIP cases as of the date of closure, 8/29/09 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: 12/09/09

Date Mailed: 12/11/09

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:

