

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: 2010-32511
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 3, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 3, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly deny Claimant's Family Independence Program ("FIP") application for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 December 17, 2009.
2. Claimant was sent a JET appointment notice on February 13, 2010 with a February 22, 2010 appointment.

3. Claimant failed to appear at the February 22, 2010 appointment.
4. Claimant's FIP application was denied on March 18, 2010 for failing to participate with Work First.
5. Claimant credibly testified that she did not receive the JET appointment notice.
6. Claimant requested a hearing on March 18, 2010 contesting the denial of FIP benefits.

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the 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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273. FIP, SDA, RAP, CDC, MA and AMP Only Certify program approval or denial of the application within 45 days. BAM 115

In the present case, Claimant applied for FIP benefits on December 17, 2009. Claimant's application was denied on March 18, 2010 for failing to participate with Work First. Claimant credibly testified that she did not receive the JET appointment notice and that she would have appeared had she received the notice. Claimant had good cause for failing to appear at her JET appointment because she did not receive the appointment notice. Accordingly, the Department's denial of FIP benefits for failing to cooperate was incorrect. Claimant's FIP application shall be reinstated and reprocessed going back to the date of application December 17, 2009.

It should also be noted that the denial of Claimant's application was 92 days from application. The Department failed to process Claimant's FIP application within the 45 day standard of promptness. BAM 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP application shall be reinstated and reprocessed going back to the date of application December 17, 2009. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/23/2010

Date Mailed: 06/23/2010

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 60 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.

AM/cjp

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