

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.: 2010-14908

Issue No.: 1005

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 15, 2010

Wayne County DHS

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 April 15, 2010. The Claimant appeared testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits case 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 was a recipient of FIP benefits who was assigned to JET.

2. On September 8, 2009 a triage meeting took place where Claimant was referred back to Work First.
3. Claimant appeared at the Work First agency on September 9, 2009 and participated.
4. Notice of case action was sent to Claimant on September 8, 2009 informing Claimant that he FIP benefits would close on September 30, 2009 and that her FAP benefits would be reduced.
5. The JET case worker and the Work First program worker did not testify at hearing.
6. Claimant's FIP case was closed on September 30, 2009 for failing to participate with JET by failing a 10 day compliance test.
7. No proof of the terms of the 10 day compliance test was submitted by the Department.
8. Claimant requested a hearing on December 29, 2009 contesting the closure 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.

In the present case, Claimant credibly testified that a triage meeting occurred on September 8, 2009 and that she was referred back to Work First at that meeting. Claimant went to the Work First agency on September 9, 2009 and participated. On September 8, 2009 a notice of case action was sent to Claimant informing her that her FIP benefits would close and FAP benefits would be reduced. The JET case worker and the Work First worker did not testify at hearing. The Department presented no evidence regarding the September 8, 2009 triage meeting. No DHS-754 form was submitted by the Department at hearing. Without the DHS-754 form the

Department has no proof that the Claimant agreed to the 10 day compliance test or what the terms of the 10 day compliance test were. This Administrative Law Judge cannot find that Claimant was noncompliant if the Department cannot establish what was required of the Claimant. Accordingly, the Department's closure of FIP was improper. The Department argued that Claimant's hearing request was untimely. Claimant stated in her hearing request that she did not receive "a decision letter on this action". Since Claimant did not receive the notice of case action then her request cannot be considered untimely. BAM 600.

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 closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP benefits shall be reinstated as of the date of closure, the negative action shall be deleted and all FIP benefits owed to the Claimant shall be paid in the form of a supplement.

/s/ 

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

Date Signed: May 3, 2010

Date Mailed: May 3, 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

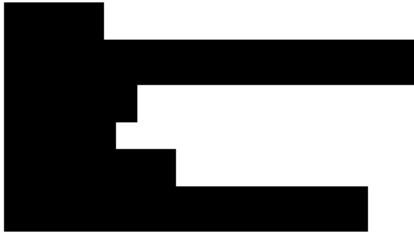
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motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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.

AM/hw

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