

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.: 2010-17917

Issue No.: 1005,3000

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 15, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 a hearing. After due notice, a telephone hearing was held on March 15, 2010. The Claimant appeared at the hearing and testified. [REDACTED]

[REDACTED] ES and [REDACTED] appeared on behalf of the Department.

ISSUE

Is the Department correct in denying Claimant's FIP application for noncompliance with JET and has the Department properly processed Claimant's Food Assistance application?

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 Food Assistance and FIP in August 2009.
- (2) Claimant was sent notice on December 8, 2009 requiring that she report to the JET program.

- (3) Claimant's FIP application was denied on January 4, 2010 because she was noncompliant with the JET program.
- (4) Claimant testified that she did not receive any notice telling her to report to the JET program.
- (5) Claimant requested a hearing on January 11, 2010 contesting the denial of FIP benefits and the processing of her FAP application.
- (6) The parties reached an agreement whereby the Department agreed to reinstate and reprocess FAP benefits back to the date of application August 2009 and pay Claimant for any lost 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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. PEM 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. PEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. PEM 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. PEM 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. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

The Food Assistance Program, formerly known as the Food Stamp (“FS”) program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (“CFR”). The Department of Human Services (“DHS”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair

hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department agreed to reinstate and reprocess Claimant's FAP benefits back to the date of application in August 2009.

In the present case with regard to Claimant's FIP application, Claimant credibly testified that she did not receive the notice to report to the JET program. Claimant credibly testified that she would have reported to the JET program had she been notified. The Department presented insufficient proof that Claimant was sent notice that she was required to report to the JET program. Therefore the Department has failed to establish that Claimant was noncooperative and noncompliant with the JET program and the denial of FIP benefits was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was not correct in the denial of Claimant's FIP benefits, and it is ORDERED that the Department's decision is hereby REVERSED, Claimant's application shall be reinstated and reprocessed as of the date of application in August 2009 and a supplement shall be paid for any lost benefits if Claimant qualifies for FIP benefits.

The Department and Claimant have come to a settlement regarding Claimant's request for a hearing as it pertains to Food Assistance. Therefore it is ORDERED that the Department reprocess Claimant's FAP benefits back to the date of application in August 2009, in accordance with this settlement agreement.

/s/ *Aaron McClintic*

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

Date Signed: March 25, 2010

Date Mailed: March 25, 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/hw

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