

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.: 201020273

Issue No.: 1021

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 12, 2010

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 a hearing received by the Department on February 2, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 12, 2010. The Claimant appeared and testified. [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Family Independence Program ("FIP") benefits due to a failure to attend JET.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant submitted an application for FIP and FAP benefits on September 2, 2009.

2. On 11/17/09 the Department issued a notice for Claimant to appear at JET on November 25, 2009. (Exhibit 1, p. 1).
3. Claimant did not appear at JET on 11/25/09.
4. Claimant testified that she never received the JET notice.
5. The Department denied Claimant's application for FIP benefits effective December 12, 2009 for failure to appear at JET. (Exhibit 1, pp. 3-4).
6. On February 2, 2010, the Department received the Claimant's Request for Hearing protesting the denial of the 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 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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, p. 4. The penalty for noncompliance without good cause is FIP closure. *Id.* at 6. If good cause is established the negative action is to be deleted. *Id.* at 12. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

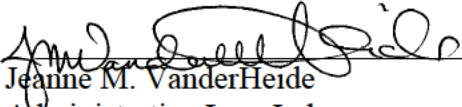
In the subject case, Claimant testified that she did not receive the JET appointment notice. Claimant was living with her mother on [REDACTED] from mid November – mid December until she moved to her current address. Claimant testified that she was living on [REDACTED] at the time of application (which is also where the appointment notice was sent) until she could no longer pay her bills. Claimant testified that she did not file a change of address with the post office, but that she checked her mail periodically. When Claimant received the notice of nonappearance and denial of benefits, Claimant then notified the Department of her change of address.

This Administrative Law Judge finds that Claimant did not present any credible evidence that would rebut the presumption of receipt of mail. The Department properly mailed the notice to the only address it had for the Claimant. The Claimant could have timely changed her address with the Department which would have assured that she received all relevant notices. Claimant also could have filed a change of address with the post office in order to have her mail forwarded. Both of those options are free of charge. Furthermore, Claimant properly received the denial letter and there is no evidence that it was mailed in any different fashion. Accordingly, based on the foregoing facts and relevant law, it is found that the Department's denial of FIP benefits effective 12/10/09 is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions.

Accordingly, it is held that the Department's determination to deny Claimant's application for FIP benefits is AFFIRMED.

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

Date Signed: May 4, 2010

Date Mailed: May 4, 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.

JV/hw

cc:

