

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: 2010-31312

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 16, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Lansing, Michigan on June 16, 2010.

ISSUE

Whether the Department properly denied Claimant's Family Independence Program (FIP) application?

FINDINGS OF FACT

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

(1) On March 9, 2010, Claimant's Department caseworker gave Claimant a Jobs, Education and Training (JET) Appointment Notice with an appointment date of March 17, 2010. Claimant informed her caseworker that she had a school conflict and the caseworker told her she

would need to contact JET for an accommodation. Claimant called JET multiple times, but never reached anybody and did not receive a return phone call. (Exhibit 1)

(2) Claimant did not attend her JET appointment.

(3) On March 22, 2010, the Department sent Claimant a Notice of Case Action informing her that her FIP application was denied. (Exhibit 2)

(4) According to Department records, Claimant's last day to attend JET was March 23, 2010. (Exhibit 3)

(5) On March 31, 2010, the Department received Claimant's hearing request protesting the denial of her FIP application.

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 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 Bridges Reference Manual (BRM).

Department policy states that clients must be made aware that public assistance is limited to 48 months to meet their family's needs and that they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. Jobs, Education and Training (JET) program requirements, education and training opportunities, and assessments will

be covered by the JET case manager when a mandatory JET participant is referred at application. BEM 229, p. 1.

The Department issues JET Appointment Notice from BRIDGES at application. When assigned, clients must engage in and comply with all JET assignments while the FIP application is pending. JET engagement is a condition of FIP eligibility. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BRIDGES automatically denies FIP benefits for noncompliance while the application is pending. BEM 229 p. 4-5. The last date for a client to make contact with MWA is 20 days from the date the JET referral is sent. If the client calls to reschedule before the 20th day, extend the Last Date for Client Contact on MIS. Either DHS or the MWA have the capability of extending this date. BEM 230A, p. 4.

In the instant case, Department policy requires that Claimant be given 20 days to attend Jet from the notice date. Claimant was given notice on March 9th so she should have had until March 29th to attend. Claimant told her caseworker that she would not be able to attend on March 17th and she was directed to JET. Despite her persistence, Claimant was not able to reach her contact at JET. Claimant did not attend her appointment and the Department, in turn, sent out the Notice of Case Action on March 22nd denying her application, just 13 days after the notice date.

With the above said, based on the testimony and documentation offered at hearing, I do not find that the Department established that it acted in accordance with policy in denying Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in denying Claimant's

FIP application. Accordingly, the Department's FIP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Process Claimant's FIP application retroactive to the denial date.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if she would like to contest the

Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 16, 2010

Date Mailed: June 17, 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 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.

SMB/vc

cc:

