

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.: 2010-36542
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 17, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 Detroit, Michigan on June 17, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Family Independence Program (FIP) benefits due to Claimant's failure to attend 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 an ongoing FIP recipient.
2. Claimant was allegedly noncompliant with JET participation on 3/22/10 for failing to verify employment and for missing an appointment with JET.

3. DHS scheduled Claimant for triage on 4/20/10 which DHS states Claimant failed to attend.
4. Claimant attended her triage on 4/20/10 and agreed to return to JET within the next few days.
5. DHS terminated Claimant's FIP benefits in 5/2010 due to Claimant's alleged noncompliance with JET participation.
6. Claimant submitted a hearing request on 5/20/10 regarding termination 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 (formerly known as the Family Independence Agency) 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 Manual (RFT).

FIP provides temporary cash assistance to support a family's movement to self-sufficiency. FIP recipients 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 a FIP group to participate in the JET or other employment-related activities unless deferred or engaged in activities that meet participation requirements. BEM 230A at 1

Failure to participate with JET may result in a finding of noncompliance unless a WEI can establish good cause for the failure. BEM 233A at 2. A client's JET participation may be interrupted by occasional illness or an unavoidable event; the absence may be excused up to 16

hours in a month but no more than 80 hours in a 12-month period. BEM 230A at 22. For those clients believed to be noncompliant with JET participation, DHS is to hold a triage to provide an opportunity for the WEI to establish good cause for the lack of JET participation. *Id* at 7. If good cause is established for the absence then the client returns to JET for continued participation. If the WEI fails to establish good cause then DHS may initiate closure of the client's FIP benefits.

In the present case, DHS alleged Claimant failed to attend a scheduled appointment with JET on 3/22/10. DHS further alleges that Claimant did not verify reported employment. DHS based the noncompliance allegation solely on case notes from Claimant's JET worker. Exhibit 5.

The JET notes have two relevant entries, a 3/22/10 comment alleging noncompliance by Claimant and a 4/20/10 comment alleging Claimant failed to attend a triage on the same date. Claimant brought documentation to the hearing which indicated that she did attend a 4/20/10 triage. Thus, the 4/20/10 JET comments that indicated Claimant missed her triage were wrong. The undersigned is not inclined to give much credibility to the 3/22/10 notes alleging noncompliance in light of the incorrect 4/20/10 notes and absence of supporting testimony from the JET worker who made the notes.

Claimant credibly testified that she never received notice of the 3/22/10 appointment with JET because JET mailed the notice to an incorrect address. Claimant further testified that she was unaware of a deadline to verify employment. No reliable evidence contradicted Claimant's testimony. It is found that Claimant was not noncompliant with JET participation. Accordingly, it is also found that DHS improperly terminated Claimant's FIP benefits in 5/2010.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefits in 5/2010.

It is ordered that DHS: reinstate Claimant's FIP benefits beginning with 6/2010, remove any disqualification related to the finding of noncompliance and restore any other benefits affected by the noncompliance.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/18/2010

Date Mailed: 6/18/2010

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 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.

CG/jlg

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