

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 36768
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 21, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on June 21, 2010. The Claimant was present and testified. [REDACTED] appeared as a witness on the Claimant's behalf. Michelle Pruitt, FIS and Susan Lowe Program Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Family Independence Program application for cash assistance for failure to attend the Work First Program.

FINDINGS OF FACT

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

1. Claimant applied for FIP cash assistance on March 12, 2010.
2. The Claimant was assigned to attend Work First orientation on April 6, 2010.

The Claimant attended the orientation as scheduled but was sent home as her

name was not in the Work First Program computer.

3. The Department erroneously denied the Claimant's application for FIP benefits for failing to attend the Work First Orientation.
4. At the hearing, the Department admitted that it erroneously denied the 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 (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 Bridges Program Reference Manual (PRM).

All Family Independence Program (FIP) and Refugee Assistance Program (RAP) eligible adults and 16- and 17-year-olds not in high school full time must be referred to the Jobs, Education and Training (JET) Program or other employment service provider, unless 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 to find employment. BEM 230A, p. 1. A cash recipient who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A, p. 1.

The Claimant was assigned by the Department, as a condition of receiving FIP Cash assistance benefits, to attend work first and was assigned to attend orientation on April 6, 2010.

The Claimant did attend the orientation. The Claimant was ultimately sent home by the Work First Program because they said her name was not on their list.

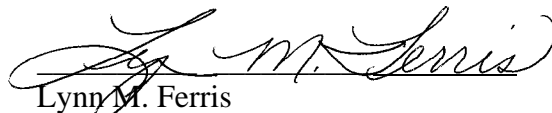
In the present case, the Department has agreed that it dismissed the Claimant's case in error. Therefore, it is determined that the Department's denial of the Claimants application for FIP was in error and must be set aside. The Department must reinstate the Claimant's FIP application retroactive to March 12, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department erroneously denied the Claimant's FIP application; and therefore, its determination must be and is hereby, REVERSED, as the Claimant did report to attend Work First Orientation as scheduled.

Accordingly, it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's FIP case retroactive to March 12, 2010.
2. The Department shall retroactively supplement the Claimant's FIP benefits beginning April 1, 2010 for FIP benefits she was otherwise entitled to receive.
3. The Claimant shall attend Work First orientation for which she is already scheduled for June 23, 2010.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/29/10

Date Mailed: 07/01/10

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.

LMF/dj

cc:

