

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201045474

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 31, 2010

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 26, 2010. After due notice, a telephone hearing was held on Tuesday, August 31, 2010.

ISSUE

Whether the Department of Human Services (Department) properly terminated the Claimant's Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. The Claimant was an ongoing FIP recipient and was deferred from participation in the Jobs, Education, and Training (JET) program for medical reasons.
2. The Department conducted a review of the Claimant's eligibility for FIP benefits on May 7, 2010.
3. On May 20, 2010, the Department sent the Claimant notice to attend a JET orientation on June 1, 2010.

4. On June 1, 2010, the Claimant notified the Department that she would be unable to attend the JET orientation due to illness.
5. On June 1, 2010, the Claimant requested the Department close her FIP benefits case and she understood the consequences of this choice.
6. The Department terminated the Claimant's FIP benefits effective June 15, 2010.
7. The Department received the Claimant's request for a hearing on July 26, 2010, protesting the her referral to the JET program.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE, and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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. 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. A WEI who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. PEM 230A.

On April 14, 2010, the Department reviewed the Claimant's eligibility for FIP benefits. The Department had deferred the Claimant from participation in the JET program, but on May 20, 2010, it scheduled her for a JET orientation to begin at 8:30 a.m. on June 1, 2010. On June 1, 2010, the Claimant notified her caseworker that she was sick and would not be able to attend the JET orientation. The Claimant's caseworker told her that she was required to attend the JET orientation, and the Claimant requested that the Department close her FIP benefits case.

The Claimant did not attend the JET orientation, request that the Department reschedule her JET orientation, or request any special accommodations so that she

could participate in her JET orientation. Instead of making a reasonable attempt to attend the JET program, the Claimant asked her caseworker close her FIP case.

The Claimant testified that she requested that the Department close her FIP benefits case so that a potential FIP sanction would not adversely affect other benefits she receives. This Administrative Law Judge finds that the Claimant understood the consequences of her choice when she requested that the Department close her FIP benefits case.

Based on the evidence and testimony available at the hearing, the Department has established that it acted in accordance with policy when it terminated the Claimant's FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy when it terminated the Claimant's FIP benefits based on her request to close her FIP case.

The Department's FIP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 16, 2010

Date Mailed: September 16, 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.

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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.

KS/vc

cc:

