

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: 2010-55703
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 26, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on October 26, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) application in July, 2010?

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 applied for FIP on June 21, 2010 and was given a referral to Jobs, Education and Training (JET) program telling her she is to report to [REDACTED] location on June 28, 2010 or July 6, 2010.

2. Claimant reported to JET on July 6, 2010 and attended required meetings/workshops for several following days.

3. On July 14, 2010 claimant was at [REDACTED] location using a computer to complete job applications and waiting for her workshop to start. According to JET staff notes, claimant was seen sitting at the computer prior to noon of this day.

4. JET staff notes further state that the workshop instructor asked staff receptionist to make two announcements regarding the workshop. One announcement was made at 1157 hours and another at 1204 hours. Workshop door was closed at 1208 hours.

5. Workshop instructor noted that she saw the claimant at the computer when the announcements were made, but the claimant did not appear to be “affected” by the announcement.

6. Claimant and several other JET participants came to the workshop door between 1215 and 1225 hours attempting to enter, but were turned away for being late. JET staff notes state that the claimant was told that her and “all of the other people that were late for the workshop” will also not be enrolled in the program.

7. Claimant was terminated from the JET program and her FIP application was denied due to her failure to remain in JET activities before the opening of her FIP case.

8. Claimant requested a hearing on July 29, 2010.

9. At the time of the hearing claimant had still not been given the opportunity to re-apply for FIP benefits, as she had moved to Oakland County and Washtenaw County was holding her case record (active Medicaid and Food Assistance Program) during the pendency of the hearing.

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 Program Reference Manual (RFT).

Departmental policy states that all FIP applicants that are not deferred must be referred to the JET program at application time and participate in required activities during the pendency of their application. If an applicant fails to comply with all of the JET program requirements, their FIP application is to be denied. However, a denied applicant may re-apply for FIP immediately following the denial, as there are no penalty periods for JET noncompliance at application. BEM 229.

Claimant does not dispute department's referral to the JET program, and that she had to participate in this program in order to qualify for FIP benefits. Claimant however states that she was at the [REDACTED] site on [REDACTED], and this is supported by JET staff notes. Claimant further states that she was completing job applications on [REDACTED] computer and did not hear but one announcement for the workshop, after 1200 hours. Claimant then had to log out of the computer system and headed to the classroom she states was cited in the announcement. When claimant arrived at the door of the classroom the room was dark, and 6 other people were at the door of this room also. It took several minutes for the group to realize the workshop was taking place in another room, and by the time they went there it was too late and they were not let in.

This Administrative Law Judge finds it peculiar that the workshop instructor would see the claimant at the computer knowing that she was to participate in the class and have knowledge that the claimant did not react to the first announcement (according to JET case notes), but would not make any effort to say something to her. It is also peculiar that several people would have not heard the first announcement and that they would have all heard the wrong room cited in the second announcement, if the announcement indeed contained the right workshop room. These issues place in doubt what really occurred and whether the claimant is indeed at fault for not making it to the workshop in time. If the claimant did not wish to participate with JET, there would be no reason for her to be at [REDACTED] site at required time but then decide not to attend the workshop. JET staff are not available for the hearing to offer an explanation to these concerns, and the Administrative Law Judge cannot conclude that such staff's actions were correct and/or appropriate when they determined that the claimant failed to participate with the program.

Another issue of concern is the fact that the department has prevented the claimant from re-applying for FIP benefits, something she could have done immediately following the July, 2010 denial. Department's testimony is that claimant's active MA and FAP case record had to be kept in Washtenaw County until the hearing took place. Washtenaw County however could not accept claimant's FIP application because she now resided in Oakland County, and Oakland County could not accept her FIP application because her case record was still in Washtenaw County. The actions of the department are totally inappropriate, as the claimant's case could have been transferred to Oakland County and hearing documentation kept in Washtenaw County. At the time of the hearing claimant could have participated from either county with utilization of a three-way telephone conversation, and Washtenaw County could have explained their actions

with the hearing documentation in their possession. Instead the department chose to prevent the claimant for applying for cash assistance for at least 3 months following July, 2010 FIP denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's FIP application in July, 2010.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed June 21, 2010 FIP application and grant her any such benefits she is otherwise eligible for (i.e. meets all financial and non-financial eligibility requirements).
2. Notify the claimant of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 29, 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.

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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.

IR/tg

cc:

