

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.: 2010-56042  
Issue No.: 1038  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 18, 2010  
DHS County: Wayne (43)

**ADMINISTRATIVE LAW JUDGE: Jan Leventer**

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 18, 2010. Claimant appeared and testified. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether DHS properly denied Family Independence Program (FIP) benefits to Claimant for her failure to participate in the JET program without good cause?

**FINDINGS OF FACT**

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

1. On July 13, 2010, Claimant applied for FIP, Food Assistance Program (FAP) and Medical Assistance (MA or Medicaid) benefits with DHS.
2. On July 14, 2010, DHS sent a "Jobs, Education and Training Appointment Notice," DHS Form 4785, to Claimant, scheduling her for a required appointment on July 28, 2010, with Project JET for employment and self-sufficiency-related activities.
3. Claimant never received the July 14, 2010, Notice letter.
4. Claimant did not appear for the July 28, 2010, appointment at Project JET.

5. On August 7, 2010, DHS denied FIP benefits to Claimant.
6. On September 21, 2010, Claimant filed a notice requesting a hearing with the State Office of Administrative Hearings and Rules.

### **CONCLUSIONS OF LAW**

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code Section 601, *et seq.* DHS administers FIP pursuant to MCL 400.10, *et seq.* and Michigan Administrative Code Rules 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. A claimant is considered noncompliant for failing or refusing to appear and participate with JET or any other employment service provider without good cause. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities based on factors that are beyond the control of the noncompliant person. Failure to comply without good cause results in FIP ineligibility. BEM 233A.

In this case, DHS alleges that, because Claimant did not appear for JET, she is ineligible for FIP and was properly denied FIP benefits. Claimant, however, testified that she did not receive the letter notifying her of the JET appointment. She also testified that she knew about the JET requirement, she was waiting for the letter and, if it had arrived, she would have attended JET training.

The question I must determine is whether Claimant has a valid reason for noncompliance, and if she does, whether that reason is based on factors beyond her control. Based on all of the testimony and evidence in this case taken as a whole, I find as fact that Claimant did not receive the JET notice in the mail. Both DHS' witnesses admitted they had no knowledge of the computer-generated mailing system which issues correspondence from Lansing, not from the local DHS office in Detroit. Neither DHS witness had custody and control of DHS correspondence, and could only speak generally about the statewide DHS correspondence system.

Claimant, on the other hand, gave credible and un rebutted testimony that she did not receive the notice. I believe Claimant, and her testimony on this single issue is enhanced by her testimony as to her past successes with the JET program, her cooperation with all other requirements of the MA and FAP programs and her timely

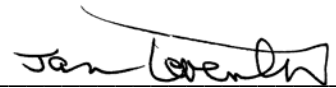
submission of the Family Automated Screening Tool form, which she did receive in the mail. Claimant's detailed testimony and organized recordkeeping persuades me that she is a careful historian and document storage person, and I find and conclude that she did not know about the JET appointment and has proved good cause for her failure to appear for the appointment.

Claimant's testimony is not impeached by DHS' contention that she is untruthful. DHS' assertion is, in effect, the argument that because Claimant received numerous other correspondences from DHS, she must have received the JET notice as well, and further, by implication, she is denying she received it for some other unstated reason. I find and conclude that this argument is based on a speculation that, because a person received some letters, it can be assumed that she received them all. I cannot agree with this assumption, especially in light of Claimant's credible and unrebutted testimony to the contrary.

I, therefore, find and conclude that DHS improperly denied FIP benefits to Claimant based on failure to participate in JET without good cause. I find that good cause exists and Claimant is entitled to FIP benefits and to the opportunity and requirement to participate in the JET program. DHS' action is REVERSED. DHS is ORDERED to process Claimant's FIP application, including JET participation, in accordance with all DHS policies and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS acted improperly and shall be REVERSED. DHS is ORDERED to process Claimant's FIP application, including participation in the JET program, in accordance with all applicable policies and procedures.



Jan Leventer  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 20, 2010

Date Mailed: October 21, 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

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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.

JL/pf

cc:

