

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.: 2010-5020

Issue No.: 1005

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 19, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 a hearing. After due notice, a telephone hearing was held on April 19, 2010. The Claimant appeared at the hearing and testified. [REDACTED]

[REDACTED] ES and [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant's Family Independence Program ("FIP") application for non-compliance with the Work First/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 applied for FIP and FAP benefits in September 2009.
2. Claimant was late for work first orientation on October 26, 2009 by a few minutes.

3. On October 29, 2009 Claimant had a meeting with the Department and was told she would be given another appointment notice for Work First orientation.
4. Claimant had until November 8, 2009 to complete Work First orientation.
5. Claimant did not receive a second appointment notice for Work First orientation following her meeting with the Department.
6. Claimant's FIP case was closed for failing to attend Work First orientation.
7. Claimant requested a hearing on October 19, 2009 because her FIP and FAP application had not been processed. At hearing Claimant protested the denial of her FIP application.
8. Claimant testified that she is satisfied with the actions taken by the Department with regard to Food Assistance.

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP 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 the FIP 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. PEM 230A.

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. PEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. PEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. PEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.


In the present case, Claimant applied for FIP and FAP. Claimant had not heard anything regarding these applications and requested hearing on October 19, 2009. FAP benefits were approved back to the date of application and Claimant testified that she is satisfied with the action taken by the Department with regard to FAP benefits.

Claimant's application for FIP was denied because she had not completed JET orientation. Claimant appeared for her JET orientation appointment at Work First on October 26, 2009 but she was a few minutes late. Claimant had a meeting with the Department on October 29, 2009. At that meeting, Claimant was told she would be given a new appointment notice to attend JET orientation. Claimant never received another appointment notice from the Department. Claimant had until November 9, 2009 to complete JET orientation. Claimant was

not given an adequate opportunity by the Department to complete JET orientation prior to the deadline. Therefore denial of her FIP application for failing to attend JET orientation was improper. Accordingly, the Department's denial of FIP benefits was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP benefits shall be reinstated back to the date of application and any missed benefits shall be paid to the Claimant in the form of a supplement.

/s/  _____
Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 5, 2010

Date Mailed: May 5, 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.

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.

AM/hw

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