

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: 201021015
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 17, 2010
Oakland 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 claimant's request for a hearing. After due notice, a telephone hearing was held by the undersigned Administrative Law Judge in Detroit Michigan on March 17, 2010. The Claimant appeared and testified on her own behalf. Elaine Graham appeared on behalf of the Department.

ISSUE

Did the Department of Human Services (DHS) properly deny the Claimant's application for the Family Income Program ("FIP") for failure to attend work-related activities through the JET program as required?

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 cash assistance (FIP) on November 17, 2009.

2. As a condition for eligibility in this program, claimant is a mandatory participant in employment related activities. (JET)
3. At the time Claimant was referred to JET, she was provided and signed a Work and/or Self-Sufficiency Rules for Cash Recipients form. Exhibit D
3. Claimant was assigned to the Jobs, Education and Training (JET, also know as Work 1st) program as a part of employment related activities.
4. Claimant was assigned to attend JET orientation on January 19, 2010. Exhibit A
5. Claimant did not attend JET on January 19, 2010 because she was working 30 hours a week beginning January 19, 2010.
6. The Claimant had until January 29, 2010 to attend orientation and could have rescheduled her orientation appointment.
7. On January 19, 2010, on the same day she was to attend the JET orientation, the claimant came to the DHS office at 3:30 pm, after her work day, and presented her proof of employment to her caseworker. Exhibit C
8. The Claimant worked 30 hours per week and was paid bi-weekly and received \$150.00. The claimant was not paid minimum wage. Exhibit C
9. On January 28, 2010, the department sent claimant a Notice of Case Action denying her application for cash assistance for failure to attend the JET orientation and meet its requirements.
10. Claimant requested a hearing contesting the denial of her application which was received by the Department on February 2, 2010.

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 Bridges Reference Manual (BRM).

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.

Applicants and members added to the cash assistance group who are working a minimum of 40 hours per week at the state minimum wage are not referred to employment services. BEM 230A page 6, Working 40 hours a week satisfies the JET participation requirements.

At the time the Claimant was referred to JET, she was provided and signed a Work and/or Self-Sufficiency Rules for Cash Recipients form. Exhibit D. This document that the Claimant signed did not advise her that she was not required to attend JET if she was working 40 hours a week at minimum wage. The form does state that depending on her family situation, her

work first plan may include up to 40 hours of activities including working at a job. The form does direct the Claimant to advise her worker, the day of, or as soon as possible, if she has a good reason for not attending the program. The claimant advised the worker by providing proof of employment. Claimant was not told that her work did not excuse her from JET, nor did the Department advise Claimant that she was still required to attend JET and that her wages and hours did not meet the policy requirements of BEM 230A.

Under these circumstances, it must be determined that the Department improperly denied the claimant's application as provided in BEM 230A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant did not participate in the JET program during the period that her application for FIP benefits was pending as she was working. The Department improperly denied the Claimant's FIP application as she was not advised that working 30 hours a week would still require her to attend JET.

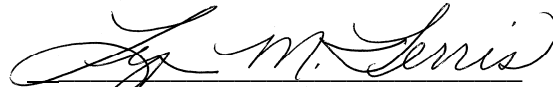
Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

Therefore, it is ORDERED:

The Department is to reinstate the Claimant's FIP application retroactive to the date of denial of the Application and shall refer the Claimant to JET orientation again.

The Department shall verify the Claimant's current employment situation and determine the number of hours she is currently working, if any, and her rate of pay.

The Department is further ordered to supplement the Claimant for any FIP benefits she might otherwise be entitled to during the period her case was closed.



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

Date Signed: 04/13/10

Date Mailed: 04/16/10

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:

