

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: 2010-26633
Issue No: 1012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 20, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on May 20, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimants Family Independence Program application because claimant failed to attend the required 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) On September 23, 2009, claimant filed an application for Family Independence Program benefits.
- (2) The application was denied on October 31, 2009, because claimant failed to attend the required JET program.

(3) The department of Human Services discovered an error had been made and that claimant had not received a DHS-4785 JET appointment notice.

(4) The application was supposed to be reinstated and on December 8, 2009, cash benefits were retroactively approved until October 16, 2009.

(5) On October 31, 2009, department caseworker sent claimant notice that her application was denied.

(6) On November 17, 2009, claimant filed a request for a hearing to contest the department's negative action because the benefits were never opened.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that in the instant case, the department conceded on the record that it made an error and did not provide claimant with notice that she was supposed to attend JET activities. Therefore, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's September 23, 2009, application for Family Independence Program benefits. The department is to provide claimant with notice to attend the required JET program activities and

to have paid to claimant any benefits to which she was retroactively entitled if claimant was otherwise eligible for Family Independence Program Benefits

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 14, 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.

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.

LYL/alc

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