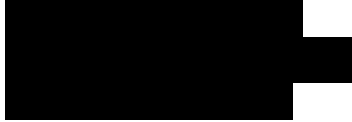


STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201040804  
Issue No.: 1038  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: July 26, 2010  
Macomb County DHS (20)

**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 the claimant's request for a hearing. After due notice, a telephone hearing was held on July 26, 2010. The claimant appeared and testified. The Claimant appeared and testified on her own behalf. [REDACTED], FIS 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") cash assistance for the claimant's failure to attend work-related activities orientation 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) The Claimant applied for Family Independence Program (Cash Assistance) and was denied benefits for failure to attend Work First Orientation. Exhibit 1.
- 2) The Claimant testified credibly that she attended the Work First Orientation on April 26, 2010, and continued to attend the Work First program for 2 weeks until she was transferred to attend another work first program at a different location.
- 3) After she was transferred to the other work first location, the Claimant was told she was not on the attendance list and was not allowed to participate and directed to contact her worker.

- 4) The Claimant's FIP application was denied by Notice of Case Action dated May 11, 2010.
- 5) The Department did not provide any attendance records, sign in sheets or produce a work first employee who could testify from first hand knowledge as to the Claimant's attendance at orientation and thereafter.
- 6) The Claimant has since re-applied for FIP benefits and is attending work first as required.
- 7) The Claimant requested a hearing on May 15, 2010 protesting the denial of her FIP application for cash 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 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.

The Claimant was assigned by the department as a condition of receiving FIP Cash assistance benefits to attend Work First and was assigned to attend orientation on April 26, 2010. The Claimant did attend the orientation. The Claimant attended the entire orientation and was ultimately sent home by the Jet Program when she reported to a new location she had been transferred to because the work first program personnel said that the Claimant's name was not on their list. Clearly the Claimant was not in non compliance for failure to attend the orientation to which she was assigned and thus her FIP application should not have been denied. The Claimant made a credible witness and her testimony regarding her attendance was credible, and the Department offered no corroborating evidence to rebut the Claimant's testimony of her attendance at orientation and thereafter. No one with first hand knowledge could rebut the Claimant's

testimony that she attended the orientation. No documentary evidence such as attendance or sign in sheets, or case notes made by a Work First employee with first hand knowledge was offered.

Under these circumstances it must be determined that the Department improperly denied the claimant's FIP Application for non compliance with Work First activities.

### **DECISION AND ORDER**

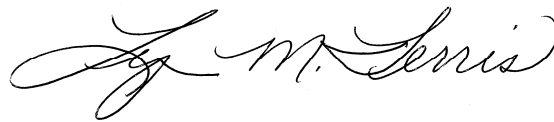
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant did participate in the JET program orientation during the period that her application for FIP benefits was pending and that the Department improperly denied the Claimant's FIP application for her failure to attend.

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

Therefore, it is ORDERED:

The Department is ordered to reinstate the Claimant's FIP application retroactive to the date of her application.

The Department shall issue a supplement to the Claimant for any FIP benefits she was otherwise entitled to receive during the period her case was closed.



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

Date Signed: 07/28/2010

Date Mailed: 07/28/2010

**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.

LMF/jlg

cc:

