

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: 2010-7876  
Issue No: 1038  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
March 23, 2010  
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 on March 23, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) application in October, 2009?

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 on August 25, 2009 and was required to participate in Work First (WF) activities while her application was pending.

2. On October 19, 2009 DHS caseworker was in contact with WF staff and received information that all of claimant's job search logs have been short hours and she submitted no logs on October 18, 2009. Claimant was therefore not meeting WF requirements.

3. On October 19, 2009 department mailed the claimant a Notice of Case Action denying her FIP application due to Work First/Jobs, Education and Training (WF/JET) noncompliance.

4. Claimant requested a hearing on October 22, 2009. At the hearing claimant stated that WF/JET staff tell clients they will get a warning, but she could never talk to staff, and that she did all she was required to do. Department was to obtain further information from WF/JET regarding claimant's testimony.

5. Department provided additional information from WF/JET. Update/View Case Notes state that the claimant was scheduled for one on one orientation for September 16, 2009, but was a no call no show, and the Case Manager (CM) called the claimant to reschedule.

6. Case Notes state that the CM met with the claimant on September 17, 2009, she is getting glasses tomorrow, she will work to get her reading score up to a 7 with [REDACTED], the plan is for her to do jobfit and get in line for schooling while working for her mother 6 hours a week and looking for direct care work.

7. Case Notes further state that on September 24, 2009 claimant turned in 24 hours of job search, 6 hours work and 18 hours job search. Claimant was told to avoid Craig's list and write the information appropriately.

8. On September 29, 2009 claimant turned in 6 hours of work for her mother, 5.5 hours delivering newspapers for \$8.00 per hour (6 hours entered), 3 hours babysitting for \$8.50 per hour, 2 hours babysitting for \$7.50 per hour and 7.5 hours job search (13 entered).

9. Claimant turned in a job log with 19 hours training for [REDACTED] job and 6 hours for working for her mother on October 9, 2009, and did not turn in a log for October 18, 2009 at all.

10. WF/JET also provided an example of Average, Allowable JET, Job Search Times for different activities, and an example of Employment Search Log.

11. Also provided was a Documentation Record of October 23, 2009 from claimant's caseworker about a telephone call with the claimant. Caseworker notes that she explained to the claimant that she had not met her required hours at WF/JET, claimant stated she was not given a warning that her logs were incorrect, however that case notes indicate she was counseled on September 24, 2009 that her log was incorrect.

12. Documentation Record further states that the claimant then said that WF staff told her she only had to do 24 hours per week so that was all she was doing, not her required 30 hours per week. Caseworker explained that she was required to do 24 hours in addition to the 6 hours per week she was paid for taking care of her mother, for a total of 30 hours per week, required hours for a single pregnant person with no children. Claimant responded she must have misunderstood, and was advised to re-apply for FIP as soon as possible.

#### 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 Program Reference Manual (PRM).

That the claimant was required to participate in WF/JET activities during the pendency of her FIP application is not in dispute. Departmental policy states that FIP applicants must participate fully in assigned WF/JET activities, and that failure to do so will result in denial of FIP benefits. BEM 229. It is clear from department's documentation obtained from WF/JET staff that the claimant failed to do so despite her hearing claim to the contrary.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FIP application in October, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

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Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: \_\_\_\_\_

Date Mailed: \_\_\_\_\_

**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.

cc:

