

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

IN THE MATTER OF:



Reg. No: 2011 14525
Issue No: 1038
Case No: [REDACTED]
Hearing Date:
February 10, 2011
Wayne County DHS (76)

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 February 10, 2010. The Claimant appeared and testified. Diane Albert, FIM, Carmen Carter Williams, Case Manager for Ross and Shanna Young, Triage coordinator appeared on behalf of the Department.

ISSUE

Whether the Department of Human Services (DHS) properly denied the Claimant's application for the Family Income Program (FIP) for the claimant's failure to attend work-related orientation activities through the JET program as required resulting in a finding of non compliance.

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 FIP Cash Assistance on October 11, 2010.

2. The Claimant was assigned to attend the work First Program and attended until December 2010, at which time, she called to advise the Work First Program she had obtained employment
3. The Work First Program sought the Claimant's cooperation in completing a Job Entry form so that her non attendance with the Work First program could be corrected due to her employment, her new work first attendance could be determined, and her employer contacted. Exhibit 2
4. The Claimant refused and did not complete the Job Entry form as requested and a non compliance and triage was scheduled by the Work First Program on December 28, 2010, as it determined that the Claimant was in non compliance. Exhibit 2
5. When the notice of non compliance was entered in the computer system the Claimant's application was still pending and her FIP case had not been opened.
6. No triage was held as the Claimant's FIP application was denied by notice of case action dated January 3, 2011, effective November 1, 2011. A triage is not required in cases where a Claimant is noticed for non compliance while her FIP application is pending. Exhibit 1
7. The claimant did not provide the requested information to the Work First Program so the job entry information could be completed.
8. The Claimant did provide check stubs and some employer information after the Claimant's FIP application had been denied.
9. The Department denied the claimant's FIP application, effective November 1, 2010, for non compliance with Work First requirements once a notice of

non compliance was requested. Exhibit 1

10. The Department properly denied the Claimant's FIP application for failure to comply with work related activities.
11. On January 10, 2011, the Claimant requested a hearing regarding the Department's denial of the FIP application. The hearing request was received by the Department on January 16, 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 is found non compliant with work related activities prior to the opening of their FIP case is not entitled to a triage and automatically results in group ineligibility for FIP benefits. BEM 233A Pages 6 and 7.

In this case, the Claimant was requested to complete a Job Entry Form so that her employment could be verified and the number of hours of employment determined so that a further determination could be made whether the employment was full time or part time and what if any remaining job search work first requirements would be placed on the Claimant. The Claimant was requested to provide the information and did not do so and thus was found to be non compliant. When a FIP application is still pending and non compliance is noticed as occurred in this case the FIP application is denied. The denial of the application is required by policy. BEM 233 A

The claimant can reapply at any time for FIP benefits and is urged to do so.

Based upon these circumstances, the Department properly denied the Claimant's FIP application and its determination in that regard is correct and must be AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant was in non compliance and that the Department properly denied her application and its determination denying the application by Notice of Case Action of January 3, 2011 is AFFIRMED.



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

Date Signed: 02/28/11

Date Mailed: 02/28/11

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:

