

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201117651

Issue No: [REDACTED]

Case No: [REDACTED]

Hearing Date:

March 17, 2011

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on January 14, 2011. After due notice, a telephone hearing was held on March 17, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Family Independence Program (FIP) application?

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 the Family Independence Program (FIP) on October 28, 2010.
2. On November 30, 2010, Claimant was given a Jobs, Education and Training Appointment Notice, informing her of her Work First/Jobs Education Training (WF/JET) orientation date of December 6, 2010 at 1PM. The Notice advised Claimant that she was to arrive 15 minutes early and she would not be allowed to bring children to the orientation. (Department Exhibit 1).
3. On January 5, 2011, the department sent Claimant a Notice of Case Action denying her FIP application for failing to participate in employment

and/or self-sufficiency related activities without good cause. (Department Exhibits 4-5).

4. Claimant submitted a hearing request on January 14, 2011, protesting the denial of her FIP application. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Department policy states that clients must be made aware that public assistance is limited to 48 months to meet their family's needs and that they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by the department when the client applies for cash assistance. Jobs, Education and Training (JET) program requirements, education and training opportunities, and assessments are covered by the JET case manager when a mandatory JET participant is referred at application. BEM 229.

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily 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 obtain stable employment. JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth (DELEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. A WEI

who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A.

Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- . Failing or refusing to:
 - .. Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
 - .. Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
 - .. Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).
 - .. Comply with activities assigned to on the Family Self-Sufficiency Plan (FSSP).
 - .. Provide legitimate documentation of work participation.
 - .. Appear for a scheduled appointment or meeting related to assigned activities.
 - .. Participate in employment and/or self-sufficiency-related activities.
 - .. Accept a job referral.
 - .. Complete a job application.
 - .. Appear for a job interview (see the exception below).
- . Stating orally or in writing a definite intent not to comply with program requirements.
- . Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- . Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. BEM 233A.

A good cause determination is not required for applicants who are noncompliant prior to FIP case opening. BEM 233A. The standard of promptness for processing the FIP application begins the date the department receives the application/filing form, containing the minimum required information. The department then has 45 days to certify program approval or denial of the FIP application. BAM 115.

In this case, Claimant applied for FIP on October 28, 2010. On November 30, 2010, Claimant was given a Jobs, Education and Training Appointment Notice for December 6, 2010 at 1PM. Claimant did not attend and because the department's 45 days to certify program approval or denial were still in effect, Claimant's application was denied for noncompliance. A Triage was not scheduled to determine good cause in this case because a good cause determination is not required for applicants who are noncompliant prior to the FIP case being opened.

Claimant testified that she and her daughter attended JET on the morning of December 6, 2010, and were told she was not scheduled to attend. A review of the Jobs, Education and Training Appointment Notice shows the appointment was for December 6, 2010 at 1PM and clearly states, "you may not bring children to orientation." When Claimant was questioned regarding what time on the morning of December 6, 2010, she arrived, Claimant then stated that it was the afternoon, and that she took the Notice showing she was scheduled to attend. Claimant reiterated that she was told she was not scheduled. The department had no record of Claimant attending.

The Administrative Law Judge finds Claimant failed to provide the necessary evidence that she appeared for her appointment on December 6, 2010. Therefore, based on the material and substantial evidence presented during the hearing, the department properly denied Claimant's FIP application for noncompliance when she failed to attend the mandatory WF/JET orientation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's FIP application.

Accordingly, the department's decision is UPHeld.

It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 24, 2011

Date Mailed: March 24, 2011

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 receipt 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.

VLA [REDACTED]

cc: [REDACTED]