

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201123487
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 7, 2011
County: Wayne

DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 April 7, 2011. Claimant appeared and testified. [REDACTED] FI JET Case Manager, appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in denying Claimant's Family Independence Program (FIP) application due to noncompliance with employment and/or work-related activities?

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 January 20, 2011.
2. As a recipient of FIP, Claimant was required to participate in employment-related activities.
3. To fulfill this requirement, Claimant was assigned to the Jobs, Education and Training (JET) program.
4. On January 20, 2011, the Department issued an Appointment Notice to Claimant, giving Claimant the Appointment date of January 31, 2011.

5. Claimant attempted to contact the Department to notify the Department that she could not attend the appointment due to her having an emergency situation regarding her stored personal items.
6. Claimant did not attend the scheduled JET appointment.
7. The Department denied Claimant's FIP application on February 14, 2011, for failure to attend JET.
8. Claimant requested a hearing, protesting the denial.

CONCLUSIONS OF LAW

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual.

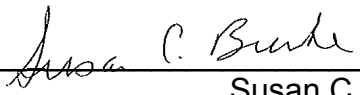
The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 230A; BEM 233A. All Work Eligible Individuals (WEIs) are required to participate in the development of a Family Self-Sufficiency Plan (FSSP) unless good cause exists. BEM 228. As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency-related activities. BEM 233A. The WEI is considered non-compliant for failing or refusing to appear and participate with the JET Program or other employment service provider. BEM 233A. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A. Failure to comply without good cause results in FIP closure. BEM 233A. The first and second occurrences of non-compliance result in a three-month FIP closure. BEM 233A. The third occurrence results in a twelve-month sanction. The goal of The FIP penalty policy is to bring the client into compliance. BEM 233A.

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A. In processing a FIP closure, the Department is required to send the client a Notice of Noncompliance (DHS-2444) which must include the date(s) of the noncompliance; the reason the client was determined to be noncompliant; and the penalty duration. BEM 233A. In addition, a triage must be held within the negative action period. BEM 233A.

In the present case, Claimant testified credibly that although she received the JET Notice of Appointment, she could not attend the appointment due to a conflict with an emergency action she had to take regarding storage of her personal property. More specifically, Claimant was required to be at the storage facility where her property was stored at the same time of the JET appointment, or her property would have been subject to disposal. Claimant presented a receipt at the hearing from the storage facility, which was read into the record. The Department did not dispute Claimant's testimony. I find that Claimant had good cause, that is, a valid reason for noncompliance with employment and/or self-sufficiency-related activities. BEM 233A. Based on the above discussion, I find that the Department was incorrect in denying Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect in its decision to deny Claimant's FIP application, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that Claimant's FIP application shall be reinstated and reprocessed with the application date of January 20, 2011, and that any missed payments shall be made in the form of a supplement if Claimant is found to be eligible.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 3, 2011

Date Mailed: May 3, 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 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.

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cc:

