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

IN THE MATTER OF: Reg. No.: 2011-26172

Issue No.: Case No.:

Hearing Date: May 25, 2011 DHS County: Wayne (19)

1005

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's r equest for a hearing. After due notice, a telephone hearing was held on May 25, 2011. The Claima nt personally appeared and testified.

ISSUE

Did the Department of Hum an Services (Department) properly close the Claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

- 1. The Claimant was a FIP recipient.
- On February 25, 2011, t he Department sent the Claimant a notice that she was not in compliance wit h Jobs Education and Training (JET) requirements, and scheduled a meeting (triage) for March 10, 2011.
- 3. On March 10, 2011, the Claimant failed to attend the scheduled triage.
- 4. On March 11, 2011, the Depart ment sent the Claimant a notice that her FIP would be closed on April 1, 2011.
- 5. On March 10, 2009, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Family Independence Progr am (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193,

8 USC 601, et seq. The Department (formerly known as the Family Independ ence Agency) administers the FIP program purs—uant 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—Elig ibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the Claimant failed to attend a triage scheduled to allow her to explain her noncompliance with JET.

DEPARTMENT POLICY

FIP, RAP Cash

Federal and state laws require each work eligible indiv idual (WEI) in the FIP and RAP group to par ticipate in Jobs, Education and Training (JET) Program or other employment-related activity unless tem porarily 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 employment. (BEM 230A, p. 1).

At the hearing the Claiman	t te stified that she had bee	en homeles s "for a couple weeks '
beginning	, and that her son was ill.	Docu mentation shows that the
Claimant's son was dischar	ged fro the hospital on	The Claimant
supplied this information as	the reasons wh y she did r	not attend the triage on March 10,
2011.	•	

This Administrative Law Judge finds that the Department was correct in closing the Claimant's FIP.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: June 29, 2011

Date Mailed: June 29, 2011

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl cc: