

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

IN THE MATTER OF:



Reg. No.: 2011-31840  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: June 20, 2011  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Susan 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 June 20, 2011. Claimant appeared and testified. [REDACTED] 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 21, 2011.
2. The Department issued to Claimant a JET Appointment Notice for a date of February 28, 2011.
3. Claimant and her husband attended the February 28, 2011 appointment, but JET personnel told Claimant that she was not on the computer, so she was not allowed into the JET program.
4. The Department worker then issued another appointment notice for March 7, 2011 at 9:00 a.m.
5. Claimant received the appointment notice for March 7, 2011 at 9:00 a.m. on March 7, 2011 at 3:00 p.m. in the mail.

6. The Department denied Claimant's application due to failure to attend the JET program.
7. Claimant requested a hearing, protesting the denial of FIP.

### **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.

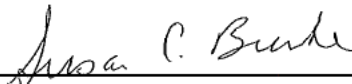
In the present case, Claimant testified credibly that she and her husband attempted to attend the first appointment of February 28, 2011, but the JET office told Claimant she was not on their computer, so she was prevented from attending the JET appointment. The Department issued another appointment notice for Claimant for March 7, 2011 at 9:00 a.m., which she received on March 7, 2011 at 3:00 p.m. Based on the above discussion, I find that Claimant had good cause, that is, a valid reason for noncompliance with employment and/or self-sufficiency-related activities that is based

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on factors that are beyond the control of the noncompliant person. Therefore, the Department was incorrect in denying Claimant's FIP application due to noncompliance with employment and/or work-related activities.

**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 of January 21, 2011, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's FIP application of January 21, 2011, and, if Claimant meets all other eligibility factors, issue Claimant any missed or increased benefits in the form of a supplement.

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

Date Signed: 6/23/11

Date Mailed: 6/23/11

**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.

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