

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201134603  
Issue No. 1038  
Case No. [REDACTED]  
Hearing Date: June 16, 2011  
Wayne County DHS (49)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on June 16, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED] Specialist, appeared and testified.

**ISSUE**

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits effective 5/2011 due to Claimant's alleged noncompliance with Jobs, Education and Training (JET) participation.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing FIP benefit recipient.
2. Claimant was required to attend JET for 20 hours per week.
3. DHS determined that Claimant was non-compliant with JET participation due to an unspecified failure by Claimant to meet her weekly JET requirement over a six week period ending 2/10/11.
4. On 3/28/11, DHS mailed Claimant a Notice of Noncompliance informing Claimant of a triage appointment on 4/12/11.

5. DHS determined Claimant lacked good cause for the alleged JET noncompliance.
6. On an unspecified date, DHS mailed Claimant a Notice of Case Action informing Claimant that her FIP benefits would be terminated effective 5/2011.
7. On 5/5/11, Claimant requested a hearing disputing the termination of FIP benefits and an unspecified action concerning Food Assistance Program (FAP) and Medical Assistance (MA) benefits.
8. Claimant stated she has no current dispute concerning FAP or MA benefits.

### **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.* DHS, formerly known as the Family Independence Agency, administers the FIP 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 Reference Tables Manual (RFT).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A at 1. Federal and state laws require each work eligible individual (WEI) in a FIP group to participate in Jobs, Education and Training (JET) Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. *Id.* These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.*

JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth through the Michigan Works! Agencies. *Id.* 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. *Id.* The WEI is considered non-compliant for failing or refusing to appear and participate with JET or other employment service provider. *Id.* at 2. Note that DHS regulations do not objectively define, "failure or refusing to appear and participate with JET". Thus, it is left to interpretation how many hours of JET absence constitute a failure to participate.

DHS regulations provide some guidance on this issue elsewhere in their policy. A client's participation in an unpaid work activity may be interrupted by occasional illnesses or unavoidable event. BEM 230 at 22. A WEL's absence may be excused up to 16 hours in a month but no more than 80 hours in a 12-month period. *Id.*

In the present case, DHS alleged that Claimant failed to meet her 20 hour/week participation requirements over a six week period that ended 2/10/11. DHS was not able to specifically identify how Claimant failed to meet her participation requirements. Information which is generally expected to establish noncompliance based on absences would be dates of absence and weekly participation hourly totals that the client participated; DHS was unable to identify any specific dates of absence or establish how many hours Claimant participated each week during the alleged period of noncompliance. Based on the presented evidence, the undersigned cannot state with any certainty that Claimant was compliant with JET participation. However, it can be stated with certainty that DHS failed to establish that Claimant was noncompliant with JET participation.

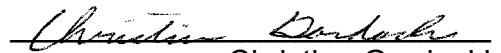
There was no dispute that the FIP benefit termination was caused solely by the DHS finding that Claimant was noncompliant with JET participation. Based on the finding that DHS failed to establish noncompliance with JET participation, it is accordingly found that the FIP benefit termination was improper.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefits. It is ordered that DHS shall:

- reinstate Claimant's FIP benefits back to 5/2011;
- supplement Claimant for any benefits lost as a result of the improper finding of noncompliance;
- remove any disqualification from Claimant's disqualification history as a result of the improper finding of non-compliance.

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

201134603/CG

Date Signed: June 24, 2011

Date Mailed: June 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 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.

CG/ctl

cc: [REDACTED]  
Wayne County DHS (49)/1843  
[REDACTED]  
Christian Gardocki  
Administrative Hearings