

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-40597
Issue No: 1038

[REDACTED]

Hamtramck

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 March 28, 2011. After due notice, a telephone hearing was held on August 23, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly terminated and sanctioned the claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

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 was a FIP recipient during the relevant time period in question. (Hearing Summary).
2. In June, 2011, a department employee entered a code on the department's computer system that placed Claimant in noncompliance with the WF/JET program.
3. The WF/JET noncompliance code was erroneous because Claimant had not been referred to WF/JET.
4. Based on the erroneous WF/JET noncompliance notice, the department issued a Notice of Case Action that closed Claimant's FIP benefits effective July 1, 2011.

5. Claimant submitted a hearing request on March 28, 2011 protesting the closure of her FIP benefits. (Request for a Hearing).
6. The department attempted to resolve the issue by requesting a remedy ticket to correct the erroneous WF/JET noncompliance notice from Claimant's file on the department's computer system. At the time of the hearing in the above matter, the error had not been corrected.

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.

In this case, Claimant was **not** required to participate in the JET/Work First program as a condition of receiving her FIP benefits. Claimant had not been referred to the JET/WF program nor was there any evidence that her FIP benefits were conditioned upon her participation in the program. During the hearing, the Department conceded that Claimant's WF noncompliance was the result of "an incorrect coding by a specialist." The Notice of Case Action that closed Claimant's FIP was in error. Accordingly, this Administrative Law Judge finds that there is no dispute in the instant case that Claimant's FIP should not have been closed and should be reinstated.

MCL 24.278 (2) provides a disposition may be made of a contested case by stipulation or agreed settlement. Thus, this Administrative Law Judge finds that the parties have stipulated to reinstate the claimant's FIP benefits, issue any retroactive benefits the claimant is entitled to receive and to correct any error giving rise to the instant request for hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not act in accordance with policy when it improperly closed the claimant's Financial Independence Program (FIP) benefits based on an erroneous JET/WF noncooperation.

Accordingly, the Department's determination is REVERSED. Accordingly, the department shall immediately do the following:

1. Correct and remove the indication on the department's computer system that indicated Claimant was noncompliant with JET/WF program.
2. Reinstate Claimant's FIP benefits back to the date of the case closure and issue any retroactive benefits that she is entitled to receive.

It is SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 8/26/11

Date Mailed: 8/29/11

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 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.

CAP/ds

■ [REDACTED]