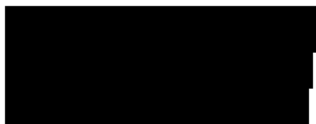


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-45311
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 25, 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 August 25, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED], JET Specialist.

ISSUE

Was the Department correct in its decision to deny Claimant's Family Independence Program (FIP) application due to noncompliance with work-related activities?

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 applied for FIP on May 3, 2011.
2. The Department issued a Jobs, Education and Training (JET) Appointment Notice on May 25, 2011, setting an appointment for June 6, 2011.
3. The Appointment Notice instructed Claimant to call her Department specialist prior to the appointment if she could not attend the appointment.
4. Claimant could not attend the appointment on June 6, 2011, and, on the advice of JET workers, and following the instructions of the Appointment Notice, attempted to contact her Department specialist by phone prior to the appointment to reschedule the appointment.

5. The Department specialist did not return Claimant's phone call, so Claimant was not able to obtain a new JET appointment.
6. The Department denied Claimant's FIP application on June 17, 2011, due to failure to attend the scheduled appointment.
7. Claimant requested a hearing on June 27, 2011, protesting the denial of her FIP application.

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.

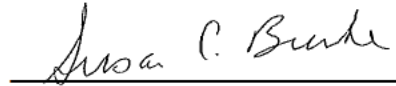
In the present case, Claimant testified credibly that she could not attend the appointment of June 6, 2011. On the advice of JET workers, and following the instructions of the JET Appointment Notice, Claimant attempted to contact her Department specialist by phone prior to the appointment to reschedule the appointment. The Department specialist did not return Claimant's phone calls, the appointment was not rescheduled and the Department denied Claimant's FIP application due to noncompliance with work-related activities. I find that Claimant made a reasonable effort to comply with work-related activities by following the advice of JET workers and the instructions on the Appointment Notice, and therefore the Department was not correct in its decision to deny Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its decision to deny Claimant's FIP application. It is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED:

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1. The Department shall re-register Claimant's FIP application of May 3, 2011.
2. The Department shall initiate the reprocessing of Claimant's May 3, 2011 FIP application.
3. The Department shall issue supplemental FIP payments to Claimants from May 3, 2011 and ongoing if Claimant is found to be eligible for FIP.



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

Date Signed: 9/2/11

Date Mailed: 9/2/11

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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