

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

IN THE MATTER OF:



Reg. No.: 201146336
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 31, 2011
Wayne County DHS (43)

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 August 31, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits due to Claimant's failure to attend Jobs, Education and Training (JET).

FINDINGS OF FACT

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

1. On 6/30/11, Claimant applied for FIP benefits.
2. Claimant had appointments to attend JET on 7/18/11 or 7/25/11.
3. On an unspecified date, Claimant went to the JET orientation and was encouraged to seek a deferral from JET participation based on pregnancy.
4. Claimant did not participate in JET any further.
5. On 7/25/11, DHS denied Claimant's application for FIP benefits due to Claimant's failure to participate with JET.

6. On 7/29/11, Claimant requested an administrative hearing to dispute the FIP benefit application denial.

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 administers 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).

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 (MWA). *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.

Mandatory JET clients are referred to JET upon application for FIP. BEM 229 at 3. DHS is to issue a manual correspondence, DHS 4785, JET Appointment Notice from Bridges at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory JET participant. *Id.* at 4. When assigned, clients must engage in and comply with all JET assignments while the FIP application is pending. *Id.* JET engagement is a condition of FIP eligibility. *Id.*

In the present case, it was not disputed that Claimant failed to complete a scheduled JET orientation. Claimant testified she went to the orientation but was encouraged by JET personnel to return to DHS to seek a deferral from JET participation based on pregnancy.

WEIs meeting one of the below criteria are temporarily not referred to an employment service provider (i.e. JET) because they may continue to count in the state's federal work participation rate. BEM 230A at 7. The criteria includes: meeting participation through education, working 40 hours per week, lack of child care, care of child or post-partum recovery, pregnancy complications expected to last longer than three months,

domestic violence, VISTA or Americorps participation, aged 65 or older, Michigan Rehabilitation Services clients, Extended FIP recipients or persons claiming incapacity. *Id.* at 7-11. The only relevant basis for deferral involves Claimant's pregnancy.

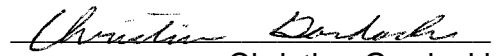
Claimant testified that she left several voicemails for her specialist to report that she was 30 weeks pregnant. Based on the testimony provided, the undersigned is not inclined to find fault with any inaction by DHS. Even accepting Claimant's testimony as accurate, Claimant's reporting of pregnancy would not have affected requirements to attend JET. Claimant's excuse would have been persuasive had she reported that she was unable to attend JET due to her pregnancy rather than from merely being pregnant.

The undersigned would have also been persuaded by Claimant's excuse had she brought verification to the administrative hearing that she was unable to attend JET as of 7/29/11. Claimant responded that she has since become eligible for FIP benefits and deferred from JET participation by submitting medical documentation to DHS from her physician. Accepting the validity of Claimant's response, the subsequent medical documentation would not have necessarily applied to an earlier time (approximately 6 weeks earlier) in Claimant's pregnancy. Without the documentation, no judgments can be made as to whether Claimant should have been deferred from JET in mid 7/2011.

Overall, Claimant made very reasonable arguments disputing the DHS denial of FIP benefits. However, Claimant's failure to report to DHS a reason for deferral from JET participation and failure to verify the deferral are problematic. It is found that DHS properly denied Claimant's application dated 6/30/11 for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 6/30/11 for FIP benefits. The actions taken by DHS are AFFIRMED.


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

Date Signed: September 2, 2011

Date Mailed: September 2, 2011

201146336/CG

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/hw

cc:

