

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201150245
Issue No: 1005
Case No: [REDACTED]
Hearing Date: September 28, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on September 28, 2011. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failing to attend JET orientation?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. On June 23, 2011, the Claimant applied for FIP benefits.
2. On or around July 7, 2011, the Claimant told her Caseworker she was disabled and could not physically participate in JET. The Caseworker gave the Claimant a Medical Needs form to complete and turn in.
3. As of July 27, 2011, the Caseworker had not yet received from the Claimant a completed Medical Needs form. On July 27, 2011, the Caseworker sent the Claimant an appointment notice to participate in JET orientation. The orientation was to occur on August 3, 2011. (Department Exhibit p. 2).
4. On or around August 1, 2011, the Claimant told the Caseworker the terms of her probation required she attend a return to work class that ran from August 1, 2011 through August 5, 2011. The Claimant told the Caseworker the probation class was very similar to the JET program. The Caseworker told the Claimant to talk to a JET Coordinator about her required participation.

5. On or around August 1, 2011, the Claimant spoke to a JET Coordinator. The Claimant told the JET Coordinator about her required probation class and how it was similar to JET. The JET Coordinator told the Claimant she did not need to participate in the required class on August 3, 2011 as both programs were similar. The JET Coordinator told the Claimant the hours in the probation class could be applied to her JET hours.
6. From August 1, 2011 through August 5, 2011 the Claimant participated in the mandatory probation class.
7. On August 3, 2011, the Claimant failed to show for the JET orientation.
8. On August 8, 2011, the Department issued the Claimant a Notice of Case Action denying the Claimant's FIP application for failing to attend the August 3, 2011 JET orientation. (Department Exhibit pp. 3-5).
9. On August 17, 2011, the Claimant filed with the Department a request for hearing protesting the August 8, 2011 Notice of Case Action.

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)).

The 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. 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) and the Bridges Reference Manual (BRM).

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 of that decision. (BAM 600).

According to BEM 229, the Department should temporarily defer an applicant with identified barriers until the barrier is removed. (BEM 229). I find the mandatory terms of probation to be the same barriers addressed and identified in BEM 229.

Therefore, even if the JET Coordinator did not tell the Claimant she was excused, the Department should have extended the Claimant an additional week of time to allow the

Claimant an opportunity to fulfill the requirements of her probation as well as participate in the JET orientation.

Accordingly, I find the Department improperly denied Claimant's application for FIP benefits.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department improperly denied the Claimant's FIP application for failing to attend the JET orientation.
2. The Department is ordered to redetermine the Claimant's eligibility for FIP benefits beginning June 23, 2011 and to issue any retroactive benefits if otherwise qualified and eligible.

Accordingly, the Department's actions are **REVERSED**.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 30, 2011

Date Mailed: October 3, 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.

CAA/cr

cc: 