

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-13095
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: February 23, 2011
Wayne County DHS (35)

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 February 23, 2011. 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 dated 11/10/10 following 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 11/10/10, Claimant applied for FIP benefits.
2. On 11/10/10, DHS provided Claimant with a JET Appointment Notice (Exhibit 1) informing Claimant to attend JET on 11/15/10 at 8:30 a.m.
3. Claimant did not attend her JET appointment because she began working 25-30 hours per week.
4. On 12/4/10, DHS denied Claimant's application dated 11/1/10 due to Claimant's failure to attend JET.
5. On 12/10/10, Claimant requested a hearing disputing the termination of FIP 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.* The Department of Human Services (DHS), formerly known as the Family Independence Agency, 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 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. *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 inform clients of their JET appointment by manually issuing a JET Appointment Notice (DHS-4785) 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.*

WEIs meeting one of the below criteria are temporarily not referred to an employment service provider 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, local office discretion, domestic violence, VISTA or Americorps, aged 65 or older, Michigan Rehabilitation Services clients, Extended FIP recipients or persons claiming incapacity. *Id.* at 7-11.

In the present case, Claimant contended that she should not have attended JET due to employment. Claimant testified that she worked 25-30 hours/week. Claimant's

employment may have affected how much she attended JET but did not exempt her from status as a mandatory JET participant. Employment of 40 hours/week might have excused Claimant from JET participation but there was no dispute that Claimant worked less than 40 hours. It is found that Claimant was a mandatory JET participant and was required to attend JET as a condition of receiving FIP benefits.

Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229 at 5. It was not disputed that Claimant failed to begin any participation with JET. Accordingly, it is found that DHS properly denied Claimant's application dated 11/10/10 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 for FIP benefits dated 11/10/10 due to Claimant's failure to attend JET. The actions taken by DHS are AFFIRMED.



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

Date Signed: 3/1/2011

Date Mailed: 3/1/2011

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.

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