

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.: 20113246
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 24, 2010
Office: Wayne County DHS (41)

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 November 24, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

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

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 applied for FIP benefits on 2/4/10.
2. Following Claimant's application, DHS failed to mail Claimant any notice to attend JET.
3. On an unspecified date, DHS denied Claimant's application for FIP benefits on the basis that Claimant failed to report to JET.
4. On 4/15/10, Claimant requested a hearing disputing the denial 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.*

DHS is to issue a manual correspondence, DHS-4785, JET Appointment Notice from Bridges (the DHS database) at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory JET participant. BEM 229 at 4. Bridges retains a record of this correspondence. *Id.*

In the present case, DHS indicated that Claimant was scheduled to attend JET on 3/13/10. Claimant contended that she never received a DHS-4785 or any other notice informing her of any appointment to attend JET. DHS testified that Bridges was checked prior to the hearing and did not indicate whether a DHS-4785 was mailed. DHS testified that a DHS-4785 may have been manually mailed; however, there was no evidence to support this speculation. As Claimant credibly testified that she received no notice of an appointment to attend JET, and DHS was unable to rebut Claimant's testimony, it can only be found that Claimant did not receive notice of a date to attend JET. Accordingly, it is also found that DHS improperly denied Claimant's FIP benefit application dated 2/4/10 due to Claimant's failure to attend JET, as Claimant was not properly issued a notice to attend JET.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 2/4/10 for FIP benefits. It is ordered that DHS reinstate Claimant's application and evaluate it for FIP benefit eligibility, subject to DHS regulations and the findings of this decision. DHS shall supplement Claimant for any FIP benefits not received as the result of the improper

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DHS denial. DHS shall not withhold any supplement from Claimant on the basis that Claimant failed to attend JET, but may refer Claimant to JET, subject to DHS regulations, for future FIP benefit eligibility. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 2, 2010

Date Mailed: December 2, 2010

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 60 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.

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