

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-39622
Issue No: 1038
Case No: [REDACTED]
Hearing Date: August 18, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 18, 2011. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Family Independence Program (FIP) application for a group-member noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

FINDINGS OF FACT

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

1. The claimant applied for FIP benefits on March 28, 2011 and was referred to the WF/JET program as a mandatory participant.
2. On her application, the claimant stated that her 17 year old son [REDACTED] was attending high school. (Department Exhibit 1).
3. The claimant was given a verification of student information form (DHS 3380) to be completed and return to the department. (Department Hearing Summary).
4. The claimant returned the DHS 3380 to the department incomplete. (Department Hearing Summary).

5. The department followed up with the school the claimant indicated her son was attending and was informed by school officials that the claimant's son had not attended classes since March 2, 2011. (Department Exhibit 3).
6. The claimant was informed that because her son was not attending school, he would be required to participate in the JET program and was given a date of May 11, 2011 to attend the WF/JET orientation. (Department Exhibit 3).
7. The claimant's son did not attend the WF/JET orientation on May 11, 2011. (Department Exhibit 4).
8. The department denied the claimant's FIP application due to her son's failure to attend the WF/JET program orientation.
9. The claimant submitted a hearing request on May 24, 2011.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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 or 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 Program Reference Manual (PRM).

Department policy states that clients must be made aware that public assistance is limited to 48 months to meet their family's needs and that they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by the department when the client applies for cash

assistance. Jobs, Education and Training (JET) program requirements, education and training opportunities, and assessments are covered by the JET case manager when a mandatory JET participant is referred at application. BEM 229.

Federal and State laws require each work eligible individual (WEI) in the FIP and Refugee Assistance Program (RAP) group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and obtain stable employment. JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth (DELEG) through the Michigan Works Agencies (MWAs). 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. A WEI who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A.

Noncompliance is defined by department policy as failing or refusing to do a number of activities, such as attending and participating with WF/JET, completing the FAST survey, completing job applications, participating in employment or self-sufficiency-related activities, providing legitimate documentation of work participation, etc. BEM 233A.

Department policy states that a child ages 16 or 17 must attend school full time or participate in WF/JET. BEM 245. Policy further states that all clients must engage and participate in all mandatory JET assignments while an application is pending. If a client fails to participate fully in assigned activities while their FIP application is pending, that failure to participate will result in the application being denied. BEM 229.

This Administrative Law Judge finds that the claimant's son was noncompliant with the WF/JET program by not attending orientation as required. Because the claimant's son was 17 years old at the time of application, he was required to be either attending school full time or to attend the WF/JET program. The claimant testified that the school had her son confused with another student and that her son attended school more regularly than what was indicated by the school officials. However, the claimant did not provide any documentation to support this assertion nor did she provide any statements from any school officials to support this as well. The claimant further testified that her son did not attend the WF/JET orientation because he was at a job interview. This information was not communicated to the department so that the interviews could be accommodated, nor would it provide a valid excuse for not attending the orientation. Because the claimant's 17 year old son was not attending school full time nor participating in the WF/JET program at the time the claimant's application was pending, the department acted properly in accordance with policy in denying the claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's Family Independence Program (FIP) application.

Accordingly, the department's actions are **AFFIRMED**. SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 30, 2011

Date Mailed: August 31, 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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