

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201143959
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 17, 2011
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 17, 2011. The Claimant appeared and testified. [REDACTED], FIM, [REDACTED], Jet Coordinator, and [REDACTED], Jet Case Manager, appeared on behalf of the Department .

ISSUE

Whether the Department properly denied the Claimant's cash assistance (FIP) and Child Development and Care benefits for failure to attend Work First orientation.

FINDINGS OF FACT

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

1. The Claimant applied for cash assistance (FIP) and CDC assistance on March 25, 2011.
2. The Claimant was assigned to attend Work First orientation on 4/4/11. Exhibit 1
3. The Claimant attended orientation and was told at the end that she was not on the roster to attend.
4. The claimant was reassigned to attend Work First orientation on May 2, 2011 and could not attend on that date, as she had a final exam at school.

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5. The Claimant called her worker before the orientation date and sought to have her orientation date rescheduled.
6. The Claimant's caseworker did not return her call to reschedule the orientation.
7. The Department denied the Claimant's application for failure to attend the Work First orientation on May 7, 2011.
8. The Claimant requested a hearing on July 11, 2011 protesting the denial of her FIP and CDC application.

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" or "Department"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 228 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related activities. BEM 233A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A

In this case the Claimant did not attend the second Work First orientation she was scheduled to attend because she had a final exam. As directed by the Orientation Notice, before the orientation date the Claimant call her caseworker to request that the orientation date be rescheduled. The Claimant did not receive a return call from her caseworker and was not allowed to reschedule the orientation. The Claimant's testimony was credible and the caseworker was unavailable to attend the hearing.

Under these circumstances the Department should not have closed the Claimant's case, as she was entitled to reschedule the orientation date and called to reschedule before the orientation was held. The Claimant did everything she was required to do to preserve her application. This case was also influenced by the fact that the Claimant

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had previously attended one month earlier, another Work First orientation, and at the end of the orientation was told she was not on the roster and her attendance could not be counted. The Claimant reported to that orientation pursuant to an official DHS Notice of Appointment.


Based on the foregoing facts and testimony of the witnesses the Department should not have denied the Claimant's FIP and CDC application for failure to attend the Work First Orientation.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department improperly denied the Claimant's FIP and CDC application for failure to attend the Work First Orientation, as the Claimant was not afforded the opportunity to reschedule the orientation date. Therefore, the Department's determination denying the Claimant's application for FIP and CDC is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reregister and initiate reprocessing the Claimant's March 25, 2011 application to determine eligibility.
2. The Department shall remove the negative action it imposed denying the Claimant's FIP and CDC application.
3. The Department shall issue a supplement to the Claimant for any FIP benefits she was otherwise entitled to receive, in accordance with Department policy.


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 24, 2011

Date Mailed: August 24, 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.

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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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