

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

**IN THE MATTER OF:**



Reg. No.: 2011-46123  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: August 31, 2011  
DHS County: Wayne (82-18)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on August 31, 2011, in Detroit, MI. Claimant appeared and testified.

[REDACTED], appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether DHS denied Claimant's application for Family Independence Program (FIP) benefits in accordance with its policies and procedures?

**FINDINGS OF FACT**

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

1. In June 2011, Claimant applied for FIP benefits with DHS.
2. DHS required Claimant to participate in the Jobs, Education and Training (JET) program in order to receive FIP benefits.
3. On June 30, 2011, DHS required Claimant to participate in a JET orientation interview.
4. Claimant failed to appear for the JET interview.
5. On July 1, 2011, DHS issued a Notice of Case Action denying Claimant's FIP application for failure to attend the June 30 interview.

6. On July 18, 2011, Claimant submitted a Request for Hearing to DHS.

### **CONCLUSIONS OF LAW**

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

The DHS manuals contain the policies and procedures DHS officially created for its own use. While the DHS policies and procedures are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. The manuals must be consulted in order to see what policies apply in this case. After setting forth what the applicable policies are, an analysis as to how they apply to the facts of this case will be presented.

First, BEM 230A, "Employment and/or Self-Sufficiency-Related Activities: FIP/RAP [Refugee Assistance Program] Cash," follows Federal and State law, which requires that every work-eligible individual must participate in the JET Program or other work-related activities unless the person is temporarily deferred or engaged in other activities that meet participation requirements. BEM 230A.

Next, BEM 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related Requirements: FIP," also governs DHS' action in this case.

BEM 233A begins with a significant statement of DHS' Philosophy:

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. **Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency.** However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. **The goal is to bring the client into compliance.**

Noncompliance may be an indicator of possible disabilities. Consider further exploration of any barriers. *Id.*, p. 1 (emphasis added).

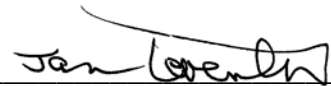
DHS is very clear in this paragraph that the goal is to identify and remove barriers to employment, and the DHS goal is not to penalize customers for generalized failures and mistakes. This section also means that if the client shows good cause for their action or failure to act, that action or failure to act will be excused and will not be held against them, and no penalties will be imposed.

This analysis focuses on the date of June 30, 2011, because that is the date DHS states Claimant was noncompliant. Based on a review of all of the evidence and testimony case as a whole, it is determined and concluded that there is no evidence in the record to establish that Claimant complied with the JET requirement or that she had good cause, i.e., a good reason, for her failure to do so. It is found and concluded that DHS acted in accordance with its policies and procedures when it denied Claimant's application for FIP benefits. DHS is AFFIRMED in this case, and need take no further action.

In conclusion, based on the findings of fact and conclusions of law above, it is decided and concluded that DHS correctly denied Claimant's application for FIP benefits. DHS' action in this case is AFFIRMED.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's denial of FIP benefits to Claimant. DHS need take no further action in this matter.



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**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: September 1, 2011

Date Mailed: September 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.

2011-46123/JL

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.

JL/pf

cc:

