

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201148786
Issue No. 1038
Case No. [REDACTED]
Hearing Date: September 29, 2011
District: Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and Michigan Compiled Laws 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday September 29, 2011. The Claimant, [REDACTED], appeared and testified. Ms. Woods, Family Independence Manager, appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Whether the Department acted in accordance with Department policy when it denied Claimant's FIP case due to noncompliance with employment-related activities.

FINDINGS OF FACT

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

1. Claimant applied for FIP benefits on July 8, 2011.
2. As a condition of FIP eligibility, the Claimant was required to participate in employment-related activities.
3. To fulfill this requirement the Claimant was assigned to the Jobs, Education and Training (JET) program.
4. As an initial requirement, the Claimant was required to appear for a JET program appointment on July 22, 2011 at 8:30a.m.

5. On July 22, 2011, the Claimant arrived for the JET appointment at 9:05am, but was not allowed to participate because she arrived late.
6. On August 5, 2011, the Claimant appeared at her DHS office and requested a new JET interview date.
7. On August 8, 2011, the Department sent Claimant a Notice of Case Action denying the Claimant's application for her failure to participate in the required JET program on July 22, 2011.
8. On August 19, 2011, Claimant timely requested a hearing to dispute the Department's action closing her FIP case for three months.

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 Table (RFT).

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. Noncompliance by a WEI while the application is pending results in group ineligibility. BEM 233A.


In this case, the Claimant offered credible testimony that she attempted to participate in the JET interview but was turned away for being thirty minutes late. The Claimant further testified that when she was turned away, she immediately contacted her case worker to request a new interview date. The Claimant also testified, and the evidence showed, that the Claimant came into the Department on August 5, 2011 to follow-up with her request for a new appointment date. Based on the above, there was no demonstrated refusal to appear and/or participate with JET. To that end, the Department failed to act in accordance with Department policy when it denied the Claimant's application for FIP benefits based on a refusal to appear or participate with JET program requirements.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department was in error in denying Claimant's application for FIP benefits based on a refusal to cooperate.

Accordingly, it is ORDERED:

1. The Department's denial of the FIP benefits is REVERSED.
2. The Department shall register and initiate processing of Claimant's July 8, 2011 application in accordance with Department policy.
3. The Department shall supplement the Claimant for all FIP benefits lost as a result of the denial of the July 8, 2011 application, if she is otherwise eligible.


Andrea J. Bradley
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/10/11

Date Mailed: 10/10/11

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.

AJB/dj

cc:

