

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201151614
Issue No. 1038
Case No. [REDACTED]
Hearing Date: October 10, 2011
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on August 25, 2011, from Detroit, Michigan. Claimant appeared and testified. Mark Boyd, Family Independence Manager, appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Whether the Department properly closed Claimant's case for benefits under Family Independence Program (FIP) based on Claimant's failure to comply with Jobs, Training and Employment (JET) obligations.

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 was an ongoing recipient of FIP benefits.
2. On July 22, 2011, the Department referred Claimant to a JET orientation on July 29, 2011.
3. On July 29, 2011, Claimant did did not participate in the orientation.
4. On August 9, 2011, the Department sent Claimant a Notice of Case Action closing her FIP case effective September 1, 2011 based on her failure to attend her JET orientation and remain in compliance with her JET obligations.

5. On August 27, 2011, Claimant requested a hearing disputing the Department's action.

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, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP 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 Reference Tables Manual (RFT).

Additionally, in order to increase their employability and obtain employment, work eligible individuals (WEI) are required to participate in the JET Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A; BEM 233A. In this case, Claimant was an ongoing recipient of FIP benefits. The Department scheduled her to attend a JET orientation on July 29, 2011. Claimant admits that she arrived late to the July 29, 2011, orientation. The JET worker turned her away, and she was not able to participate in the orientation.

Failing or refusing to attend or participate in a JET program or other employment service provider without good cause constitutes a noncompliance with employment or self-sufficient related activities. BEM 233A. However, JET participants will not be terminated from a JET program unless the Department first schedules a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A. Good cause is a valid reason for noncompliance which is beyond the control of the noncompliant person. BEM 233A. Good cause must be based on the best information available at the triage and must be considered even if the client does not attend the triage. BEM 233A.

In this case, the Department did not schedule a triage. On August 9, 2011, the Department sent Claimant a Notice of Case Action, closing her FIP case effective September 1, 2011, because of her failure to attend WorkFirst as scheduled on July 29, 2011. Because the Department failed to schedule a triage, it did not consider whether Claimant had good cause for her noncompliance. By failing to give Claimant the opportunity to explain her noncompliance, the Department failed to act in accordance with Department policy.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly closed Claimant's case improperly closed Claimant's case

for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's FIP decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the negative case action closing Claimant's FIP case effective September 1, 2011;
2. Supplement Claimant for FIP benefits Claimant was entitled to receive from September 1, 2011, ongoing; and
3. Schedule a triage for Claimant in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/14/11

Date Mailed: 10/14/11

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,

- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/dj

cc:

