

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

IN THE MATTER OF:



Reg. No. 201212032
Issue No. 1038
Case No. [REDACTED]
Hearing Date: December 14, 2011
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 December 14, 2011 from Detroit, Michigan. The above named claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits due to Claimant's failure to attend Jobs, Education and Training (JET).

FINDINGS OF FACT

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

1. On 7/22/11, Claimant applied for FIP benefits.
2. Claimant had an appointment to attend JET on 8/1/11.
3. Claimant failed to attend the JET appointment.
4. On 8/15/11, DHS denied Claimant's application for FIP benefits due to Claimant's failure to participate with JET.

5. On 10/24/11, Claimant requested an administrative hearing to dispute the FIP benefit application denial.

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.* DHS administers FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A at 1. Federal and state laws require each work eligible individual (WEI) in a FIP group to participate in Jobs, Education and Training (JET) Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. *Id.* These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.*

JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth through the Michigan Works! Agencies (MWA). *Id.* 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. *Id.* The WEI is considered non-compliant for failing or refusing to appear and participate with JET or other employment service provider. *Id.* at 2.

Mandatory JET clients are referred to JET upon application for FIP. BEM 229 at 3. DHS is to issue a manual correspondence, DHS 4785, JET Appointment Notice from Bridges at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory JET participant. *Id.* at 4. When assigned, clients must engage in and comply with all JET assignments while the FIP application is pending. *Id.* JET engagement is a condition of FIP eligibility. *Id.*

In the present case, DHS denied Claimant's FIP benefit application due to a failure by Claimant to attend JET. It was not disputed that Claimant did not attend a scheduled JET appointment for 8/1/11. Claimant stated that she was aware of the appointment but that she did not go to because she was told by a child support specialist to not bother attending because she had not sufficiently cooperated with assisting the child support unit in identifying a father of her children. It should be noted that if Claimant is considered uncooperative with obtaining child support, she would not be eligible to receive FIP benefits even if she attended JET.

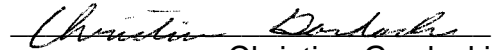
There was some evidence to support Claimant's excuse. DHS agreed that Claimant was contacted by their child support staff shortly after she applied for FIP benefits. The testifying DHS specialist also suggested that there were ongoing problems with Claimant's child support cooperation status. This evidence tends to support Claimant's testimony.

If the FIP benefit denial rested on an alleged failure by Claimant to cooperate with child support, the evidence would have overwhelmingly favored Claimant. The FIP benefit denial instead rested on Claimant's failure to attend JET, which Claimant did not do. Though Claimant's testimony was plausible, it required believing less than reasonable scenarios to find that Claimant had a valid excuse. It is unlikely that a child support specialist would comment on a FIP benefit application or advise a client concerning whether to attend JET. Even acknowledging that possibility, it also would seem to lead a client that was interested in attending JET to follow-up with the benefit specialist for further information; this communication did not occur.

Based on the presented evidence, it is slightly more likely than not that Claimant failed to attend the JET orientation and was not influenced by DHS statements in her failure to attend. Accordingly, the DHS denial of Claimant's FIP benefit application was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 7/22/11 for FIP benefits. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/28/11

Date Mailed: 12/28/11

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 mailing 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).

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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.

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 to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

