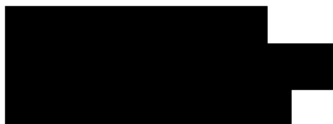


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No. 201212488  
Issue No. 1038  
Case No. [REDACTED]  
Hearing Date: December 15, 2011  
Wayne County DHS (17)

**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 15, 2011. The claimant appeared and testified; Valtina Ussery also appeared as Claimant's authorized hearing representative and witness. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, 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 9/29/11, Claimant applied for FIP benefits.
2. Claimant had a 36-40 hour weekly obligation to attend JET.
3. Claimant attended JET orientation on 10/4/11
4. Claimant stopped attending JET beginning 10/24/11.
5. Claimant alleged that she had good cause for ceasing JET attendance because she lacked transportation.

6. On 10/27/11, DHS denied Claimant's application for FIP benefits due to Claimant's failure from 10/24/11 to attend JET
7. On 11/7/11, 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, it was not disputed that Claimant attended JET beginning 10/4/11 and that Claimant stopped attending JET beginning 10/24/11. Not attending JET for at least four days (10/24/11-10/27/11) is a sufficiently lengthy absence to establish noncompliance by Claimant.

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. *Id* at 3. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. *Id* at 4. A claim of good cause must be verified. *Id* at 3.

Claimant testified that she only stopped JET attendance because of a lack of transportation. Claimant stated that she lacked a vehicle so she was unable to drive herself. Claimant stated that she was unable to obtain a ride and relied on bus tickets given to her by JET in attending the JET program.

It was not disputed that Claimant had to appear at JET in order to get the bus tickets. Thus, JET can hardly be credited for giving a client bus tickets if there was no way for a client to attend JET to pick up the bus tickets. It was also not disputed that the MWA offered only six bus tickets per week and that Claimant attended JET five days per week and needed ten bus tickets (5 to get to the MWA and 5 to return home). Since DHS had not began Claimant's FIP benefits despite Claimant's attendance, Claimant could not be expected to use the FIP benefits to purchase bus tickets.

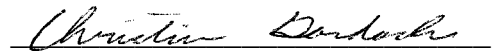
Claimant's stated that a bus ride cost her \$1.75 and that she simply had no means to get the money and had no alternative mode of transportation. Claimant's mother provided testimony which tended to corroborate Claimant's testimony. Based on the provided evidence, it is found that Claimant had good cause for stopping JET attendance due to a lack of affordable transportation. Accordingly, the DHS denial of Claimant's application is found to be improper.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for FIP benefits. It is ordered that DHS:

- (1) reinstate Claimant's FIP application dated 9/29/11; and
- (2) supplement Claimant for any benefits lost as a result of the improper denial.

The actions taken by DHS are REVERSED.

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

201212488/CG

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).

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:

