STATE OF MICHIGAN

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. 2012-16367

Issue No. 1038

Case No.

January 12, 2012

Hearing Date: County:

Wayne County

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Ad ministrative Law Judge upon Claimant's request for a hearing made purs uant 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 January 12, 2012, from Detroit, Mich igan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Servic es (Department) included JET Case Manager.

<u>ISSUE</u>

Whether the Department proper ly denied Claimant's applic ation for benefits under the Family Independence Program (FIP) based on Cla imant's failure to comply with work participation program assignments.

FINDINGS OF FACT

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

- Claimant applied for FIP benefits on September 9, 2011.
- 2. On September 28, 2011, the Depar tment referred Claimant to a Job s Education and Training (JET) orientation to be held on October 4, 2011.
- 3. On October 4, 2011, Claimant ⊠ did ☐ did not participate in the orientation.
- 4. Subsequent to the October 4, 2011 orientation, the Department sent Claimant two orientation referral appointments at a different location, closer to Claimant's residence.

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- 5. Claimant did not attend the new orientation referral appointments.
- 6. On November 18, 2011, the Department sent Claimant a Notice of Case Action denying her FIP applic ation based on her failure to comply with work participation program assignments.
- 7. On November 30, 2011, Claimant requested a hearing disputin g the Department's action.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown 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 polic ies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manu al (BEM) and the Reference Ta bles Manual (RFT).

In order to increase their employ ability and obtain employment, work eligible individuals (WEI) seeking FIP are required to participat e in the JET Program or other employment-related activity unless temporarily defe rred or engaged in activities that meet participation requirements. BEM 230A; BEM 233A. Work participation program engagement is a condition of FIP elig ibility. BEM 229. When assigned, clients must engage in and comply with all work participat ion program assignments while the FI P application is pending. BEM 229. An applicant who fa ils or refuses to appear and participate with the JET Program or other employment service provider without good cause is noncompliant. BEM 233A. Failure by a client to participate fully in assigned activities while the FIP applicat ion is pending will result in denial of FIP benefits. BE M 229. A good cause hearing is not required for applicants who are non-compliant prior to the FIP case opening. BEM 233A.

In the present case, Claimant attended the first noticed orientation appointment. The Department issued subsequent orientation appointments, which Claimant did not attend, as she had thought she completed this requirement. Phone calls were exchanged between Claimant and her worker for clarification, but each missed the other's calls. I cannot find that Claimant failed or refused to participate in program assignments, as she did participate to the best of her understanding.

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Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied Claimant's application improperly denied Claimant's application 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 Dep artment's FIP decis ion is $\ \ \ \ \ \ \ \ \ \ \ \ \ $
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
 Initiate reinstatement and reproce ssing of Claimant's FIP applicat ion of September 9, 2011. Initiate issuance of FIP supplem ents for any missed paym ents, if Claimant is found to be eligible for FIP.
Luc C. Buch

Susan C. Burke Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: <u>1/18/12</u>

Date Mailed: <u>1/18/12</u>

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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

- A rehearing <u>MAY</u> 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

Re consideration/Rehearing Request

P. O. Box 30639 Lansing, Michigan 48909-07322

SB/sm

cc: