

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

IN THE MATTER OF:



Reg. No: 2012-37677
Issue No: 1038
Case No: [REDACTED]
Hearing Date: April 4, 2012
Genesee County DHS-06

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on March 1, 2012. After due notice, a telephone hearing was held on April 4, 2012. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Family Independence Program (FIP) application?

FINDINGS OF FACT

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

1. Claimant applied for the Family Independence Program (FIP) on January 4, 2012.
2. On January 23, 2012, Claimant and his wife were each mailed a Work Participation Program Appointment Notice, informing Claimant and his wife of their Work Participation Program orientation date of February 15, 2012, at 9AM. The Notice advised that FIP applicants who do not attend the work participation prior to case opening will be denied FIP benefits. (Department Exhibits 4-5).
3. On February 21, 2012, the department sent Claimant a Notice of Case Action denying his FIP application for failing to attend Jobs, Education, and Training (JET). (Department Exhibits 7-10).
4. Claimant submitted a hearing request on March 1, 2012, protesting the denial of his FIP application. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program 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), Reference Table Manual (RTM), and the Reference Tables Manual (RTM).

Department policy states that Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. The work participation program requirements, education and training opportunities, and assessments will be covered by the work participation program when a mandatory work participation program participant is referred at application. BEM 229.

Federal and state laws require each work eligible individual (WEI) in the FIP and RAPC group to participate in the work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. Apply FIP policy to RAPC cash clients. The work participation program is administered by the Workforce Development Agency, State of Michigan (WDASOM) through the Michigan one-stop service centers. The work participation program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. The work participation program case managers use the One-Stop Management Information System also known as the OSMIS to record the clients' assigned activities and participation. In this item the OSMIS is referred to as the Management Information System (MIS). WEIs not referred to the work participation program will participate in other activities to overcome barriers so they may eventually be referred to the work participation program or other employment service provider. DHS must monitor these activities and record the client's participation in the Family Self-Sufficiency Plan (FSSP). A WEI who refuses, without good cause, to participate in

assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A.

Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
 - Appear and participate with the work participation program or other employment service provider.
 - Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process.
 - Develop a FSSP.
 - Comply with activities assigned on the FSSP.
 - Provide legitimate documentation of work participation.
 - Appear for a scheduled appointment or meeting related to assigned activities.
 - Participate in employment and/or self-sufficiency-related activities.
 - Participate in required activity.
 - Accept a job referral.
 - Complete a job application.
 - Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. BEM 233A.

A good cause determination is not required for applicants who are noncompliant prior to FIP case opening. BEM 233A. The standard of promptness for processing the FIP application begins the date the department receives the application/ filing form, containing the minimum required information. The department then has 45 days to certify program approval or denial of the FIP application. BAM 115.

In this case, Claimant applied for FIP on January 4, 2012. On January 23, 2012, Claimant and his wife were each mailed a [REDACTED] Notice with an appointment date for February 15, 2012, at 9AM. Claimant's did not attend and because the department's 45 days to certify program approval or denial were still in effect, Claimant's application was denied for noncompliance. A Triage was not scheduled to determine good cause in this case because a good cause determination is not required for applicants who are noncompliant prior to the FIP case being opened.

Claimant testified that he had called his case worker and left a voice mail explaining he could not make the JET appointment. The department admitted they had received Claimant's message and in fact, may have lost Claimant's follow-up voice mail trying to reschedule his JET appointment, due to a power failure at the department resulting in numerous voice mails being lost.

When Claimant was asked why his wife did not attend her mandatory JET orientation, Claimant stated that his wife had enough on her plate with watching their children and working part-time. Claimant explained that when he applied for FIP benefits, he was willing to cooperate with JET, but his wife had enough on her plate and he would attend and work for the both of them.

The Administrative Law Judge finds that Claimant's wife did not attend, or attempt to attend, the mandatory JET orientation. Therefore, based on the material and substantial evidence presented during the hearing, the department properly denied Claimant's FIP application for noncompliance when his wife failed to attend the mandatory WF/JET orientation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's FIP application. Accordingly, the department's decision is UPHeld.

It is SO ORDERED.

 /s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/9/12

Date Mailed: 4/9/12

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 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.

VLA/ds

cc:

