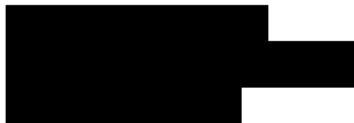


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201239726
Issue No: 1005
Case No: [REDACTED]
Hearing Date: April 18, 2012
Genesee County DHS #6

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 18, 2012. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failing to attend JET orientation?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. On January 31, 2012, the Claimant applied for FIP benefits.
2. On February 6, 2012, a telephone interview took place between the Claimant and the Department. During the interview, the Department told the Claimant she had 20 days to attend a WF/JET orientation. The Claimant indicated a potential conflict with her school schedule. The Department provided the Claimant with the contact number for JET and told her to reschedule the appointment if there was a scheduling problem.
3. On or around February 6, 2012, the Claimant received from the Department a Work and/or Self-Sufficiency Rules for Cash Recipients sheet, a Cash Assistance Rights and Responsibilities Affidavit and a Work First appointment notice. The Work First appointment notice indicated February 27, 2012 as the date for the scheduled orientation.

4. On or around February 6, 2012, the Claimant completed and returned to the Department the Work and/or Self-Sufficiency Rules for Cash Recipients sheet as well as the Cash Assistance Affidavit.
5. On or around February 26, 2012, the Claimant contacted Work First and rescheduled her appointment for March 2, 2012.
6. On March 2, 2012, the Claimant arrived for her orientation and was told she was too late and had missed her orientation deadline.
7. On March 3, 2012, the Department denied the Claimant's January 31, 2012 FIP application.
8. On or around March 3, 2012, the Department sent the Claimant notice of the denial.
9. On March 8, 2012, the Claimant timely requested a hearing in protest of the March 3, 2012 FIP application denial.

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, MAC R 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. (MAC R 400.903(1)).

The 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 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) and the Bridges Reference Manual (BRM).

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 of that decision. (BAM 600).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

A Work Eligible Individual (WEI), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Noncompliance by a WEI while the application is pending results in group ineligibility. (BEM 233A).

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. 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 Jobs, Education and Training (JET) Program or other employment service provider.
 - .. Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
 - .. Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).
 - .. Comply with activities assigned to on the Family Self-Sufficiency Plan (FSSP) or PRPFC.
 - .. Appear for a scheduled appointment or meeting related to assigned activities.
 - .. Provide legitimate documentation of work participation.
 - .. Participate in employment and/or self-sufficiency-related activities.
 - .. 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. BEM 233A, pp. 1-2.

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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the "Participation and Compliance" tab.

Based on the testimony and the exhibits presented, I find the Claimant clearly understood she had 20 days to call or appear for the WF/JET orientation. The Claimant in this matter timely and sufficiently notified the Department from the onset about a potential conflict with her school schedule. And around the time of the scheduled appointment, the Claimant called WF/JET to reschedule. The Claimant and WF/JET agreed to reschedule the appointment for March 2, 2012. Based on these findings, I find the Claimant in this matter followed the instructions as provided.

Accordingly, I find the Department improperly denied the Claimant's application for FIP benefits.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department improperly denied the Claimant's FIP application.
2. The Department is ordered to initiate a reprocessing of the Claimant's January 31, 2012 application and issue retroactive benefits if otherwise eligible and qualified.

Accordingly, the Department's actions are **REVERSED**.

/s/ _____
Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 20, 2012

Date Mailed: April 20, 2012

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 mailing 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.

CAA/cr

cc:

