

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2012-16367
Issue No. 1038
Case No. [REDACTED]
Hearing Date: January 12, 2012
County: Wayne County

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant 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, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] JET Case Manager.

ISSUE

Whether the Department properly denied Claimant's application for benefits under the Family Independence Program (FIP) based on Claimant's failure to comply with work participation program assignments.

FINDINGS OF FACT

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

1. Claimant applied for FIP benefits on September 9, 2011.
2. On September 28, 2011, the Department referred Claimant to a Jobs 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.

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 application based on her failure to comply with work participation program assignments.
7. On November 30, 2011, Claimant requested a hearing disputing the Department's action.

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, 42 USC 601, *et seq.* The Department (formerly known 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 policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In order to increase their employability and obtain employment, work eligible individuals (WEI) seeking FIP are required to participate in the JET Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A; BEM 233A. Work participation program engagement is a condition of FIP eligibility. BEM 229. When assigned, clients must engage in and comply with all work participation program assignments while the FIP application is pending. BEM 229. An applicant who fails 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 application is pending will result in denial of FIP benefits. BEM 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.

Based upon the above Findings of Fact and Conclusions 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.

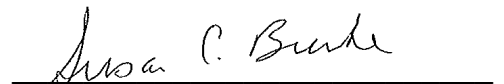
DECISION AND ORDER

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 Department's FIP decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement and reprocessing of Claimant's FIP application of September 9, 2011.
2. Initiate issuance of FIP supplements for any missed payments, if Claimant is found to be eligible for FIP.



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

Date Signed: 1/18/12

Date Mailed: 1/18/12

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.

2012-16367/SCB

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 at

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

SB/sm

cc:

