

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201216373  
Issue No. 1038  
Case No. [REDACTED]  
Hearing Date: January 12, 2012  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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]

**ISSUE**

Whether the Department properly closed Claimant's case for benefits under Family Independence Program (FIP) based on Claimant's failure to participate in employment-related activities.

**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 was an ongoing recipient of FIP benefits and was required to participate in employment-related activities.
2. On November 3, 2011, the Department sent Claimant a Notice of Noncompliance scheduling a triage on October 10, 2011.
3. The Department did not hold a triage with respect to Claimant's alleged noncompliance.

4. The Department conceded that it did not act in accordance with Department policy when it failed to hold a triage.
5. On November 10, 2011, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case effective December 1, 2011, based on Claimant's failure to participate in employment-related activities without good cause.
6. The Department imposed a second sanction for Claimant's failure to comply with employment-related obligations.
7. On November 16, 2011, Claimant filed a request for a hearing disputing the Department's action.

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In order to increase their employability and obtain employment, work eligible individuals seeking FIP are required to participate in the Jobs, Education, and Training (JET) Program or other employment-related activity. BEM 230A; BEM 233A. Failing or refusing to attend or participate in a JET program or other employment service provider without good cause constitutes a noncompliance with employment or self-sufficiency related activities. BEM 233A. However, a JET participant will not be terminated from a JET program without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A.

Additionally, in this case, the Department conceded that it did not properly schedule or hold a triage. As such, it did not consider whether Claimant had good cause for her noncompliance. By failing to give Claimant the opportunity to explain her noncompliance, the Department failed to act in accordance with Department policy and improperly closed Claimant's FIP case.

Although Claimant had also requested a hearing with respect to Child Development and Care (CDC) benefits, at the hearing, Claimant testified that she had addressed her CDC issues and did not wish to proceed with a hearing with respect to her CDC benefits.

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 closed Claimant's FIP case.  improperly closed Claimant's FIP case.

**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 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. Remove the negative action closing Claimant's FIP case;
2. Remove the second sanction for noncompliance with employment-related activities from Claimant's file; and
3. Issue supplements for any FIP benefits Claimant was entitled to receive but did not, for December 1, 2011, ongoing.



Alice C. Elkin  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: January 19, 2012

Date Mailed: January 19, 2012

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**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 at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ACE/cl

cc:

