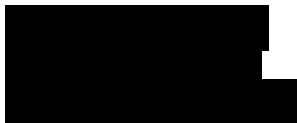


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20122207
Issue No: 1005
Case No: [REDACTED]
Hearing Date: November 2, 2011
Shiawassee County DHS

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 November 2, 2011. 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 June 30, 2011, the Claimant applied for FIP benefits. (Department Exhibit 1-19).
2. On August 4, 2011, the Department assigned the Claimant to participate in a JET orientation on August 8, 2011. (Department Exhibit 20). The orientation notice stated the Claimant had 20 days from August 4, 2011 to participate in orientation.
3. On August 8, 2011, the Claimant called WF/JET. The Claimant told WF/JET she was running late. WF/JET told the Claimant not to worry and to come back the following Monday on August 15, 2011. The Claimant agreed.
4. On August 11, 2011, the Department issued the Claimant a Notice of Case Action denying the Claimant's June 30, 2011 application for FIP benefits for non participation in the August 8, 2011 orientation. (Department Exhibit 22-25).
5. On September 19, 2011, the Claimant filed with the Department a request for hearing protesting the August 11, 2011 Notice of Case Action.

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).

Based on the testimony and exhibits presented during the hearing, I find the Department prematurely denied the Claimant's application for FIP. The Claimant had until August 24, 2011 to fulfill the orientation requirements.

Accordingly, I find the Department improperly denied 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 for failing to attend the JET orientation.
2. The Department is ordered to initiate a redetermination of the Claimant's eligibility for FIP benefits beginning June 30, 2011 and to issue any retroactive benefits if otherwise qualified and eligible.

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: November 3, 2011

Date Mailed: November 4, 2011

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:

