

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201239692
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: April 11, 2012
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 11, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) benefit eligibility due to noncompliance with Work Participation Program (WPP) requirements.

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 FIP benefit recipient.
2. On 1/25/12, DHS mailed Claimant a notice to begin WPP participation starting 3/5/12.
3. On 2/2/12, DHS mailed Claimant a notice to begin WPP participation starting 2/13/12.

4. Claimant attended WPP on 3/5/12 but was told that she need not stay because the computer system at the WPP location failed to recognize Claimant as a WPP participant for the date that she attended.
5. On an unspecified date, DHS initiated termination of Claimant's FIP benefit eligibility effective 4/2012 due to Claimant's failure to attend WPP on 2/13/12.
6. On 3/13/12, Claimant requested a hearing to dispute the FIP benefit termination.

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 233A at 1. The DHS focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. *Id.* However, there are consequences for a client who refuses to participate, without good cause. *Id.*

Participation with WPP (aka JET or Work First) is an example of an employment related activity. A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), who fail, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. *Id.* Depending on the case situation, penalties include the following: delay in eligibility at application, ineligibility (denial or termination of FIP with no minimum penalty period), case closure for a minimum period depending on the number of previous non-compliance penalties. *Id.*

It was not disputed that DHS mailed Claimant two notices to begin WPP participation. A notice mailed on 1/25/12 advised Claimant to report to WPP on 3/5/12. A notice dated 2/2/12 advised Claimant to report to WPP on 2/13/12. Claimant denied receiving the notice dated 2/2/12. It was not disputed that Claimant reported to WPP on 3/5/12 and that she was sent home by WPP.

DHS seemed to contend that Claimant was noncompliant with WPP participation due to a failure to attend WPP on 2/13/12. Even if Claimant's testimony that she did not receive a notice to attend WPP beginning 2/13/12 is not believed, Claimant complied with the first notice that DHS mailed concerning an appointment for 3/5/12. If DHS sends a client two different WPP appointments, a reasonable expectation would be that

a client could attend either appointment. DHS apparently expected Claimant to attend the earlier appointment; the DHS expectation was improper.

That Claimant was sent home by WPP on 3/5/12 is irrelevant. Claimant was sent home by WPP due to scheduling confusion; this was the fault of the DHS scheduling system, not Claimant. It is found that Claimant was not noncompliant with WPP participation.

It was not disputed that the only basis for the FIP benefit termination was the result of alleged WPP participation noncompliance. As it was found that Claimant was compliant with WPP participation, it is accordingly found that DHS erred in terminating Claimant's FIP benefit eligibility.

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

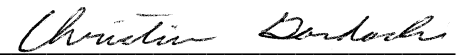
did not act properly in terminating Claimant's FIP benefit eligibility effective 4/2012.

Accordingly, the Department's AMP FIP FAP MA SDA CDC 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) reinstate Claimant's FIP benefit eligibility beginning 4/2012;
- (2) supplement Claimant for any benefits lost as a result of the improper finding of noncompliance;
- (3) remove any disqualification from Claimant's disqualification history as a result of the improper finding of noncompliance.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 16, 2012

Date Mailed: April 16, 2012

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

CG/hw

cc:

