

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

IN THE MATTER OF:

ALEXIS NICHOLSON
6163 NEFF RD
MOUNT MORRIS MI 48458

Reg. No: 2012-68801
Issue No: 1038
Case No: 100714493
Hearing Date: October 4, 2012
Genesee County DHS #02

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 4, 2012. The claimant appeared and provided testimony, along with Jacqueline Nicholson, her mother. The department witness was Mary Vasas.

ISSUE

Did the department properly determine the claimant was noncompliant with Work First/Jobs Education and Training (WF/JET) program requirements?

FINDINGS OF FACT

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

1. The department mailed a Work Participation Program Appointment Notice (DHS-4785) to the claimant at the wrong address.
2. The department mailed the claimant a Notice of Case Action (DHS-1605) indicating that the claimant's FIP case would be closed and sanctioned for three months due to the alleged noncompliance.
3. The claimant submitted a hearing request on August 2, 2012.

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, 8 USC 601, *et seq.* The Department of Human Services (DHS or 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 (RFT).

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In this case, the notice to attend WF/JET was mailed to the wrong address. Thus, the claimant did not receive the notice and was not able to attend WF/JET as directed. The department agreed that the claimant should not be penalized for this error. The claimant and department agreed that this resolved the issue.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine the claimant was noncompliant with Work First/Jobs Education and Training (WF/JET) program requirements.

Accordingly, the department's actions are **REVERSED**. The department shall reinstate the claimant's FIP case back to the date of application (erasing the penalty that had been issued), issue the claimant any retroactive benefits that she is entitled to receive and return the claimant to WF/JET. It is SO ORDERED.

/s/ _____

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 8, 2012

Date Mailed: October 9, 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.

SLM/jk

cc: ALEXIS NICHOLSON
Genesee County DHS #02
C. George
T. Taylor
D. Sweeney
S.L. Morris
MAHS