

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2013-20824
Issue No.: 1013
Case No.: [REDACTED]
Hearing Date: February 14, 2013
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, February 14, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's October 1, 2012 application for cash assistance ("FIP") benefits?

FINDINGS OF FACT

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

1. The Department received the Claimant's application for FIP benefits on October 1, 2012.
2. On October 5, 2012, the Department sent a Work Participation Program Appointment Notice instructing the Claimant to attend the Work First/Jobs, Education, and Training ("WF/JET") orientation on October 19, 2012. (Exhibit 1)
3. The Claimant contacted the Department prior to the October 19th appointment stating she did not have child care or transportation.
4. The Claimant did not attend the WF/JET appointment.

5. On October 29, 2012 the Department sent a Notice of Case Action to the Claimant informing her that her FIP application was denied based on the failure to attend the JET orientation and comply with the JET activities. (Exhibit 2)
6. On January 2, 2012, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

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

At application, the Department must identify and provide direct support services as needed. BEM 229 (November 1, 2012), p. 1. Child care and transportation barriers are common and also constitute good cause for JET noncompliance. BEM 229, p. 1; BEM 233A (December 2011), pp. 4, 5. The Department is responsible and must assist clients who present with child care or transportation barriers before requiring work participation program attendance. BEM 229, p. 1. As a condition of FIP eligibility, all Work Eligible Individuals ("WEI") must engage in employment and/or self-sufficiency related activities. BEM 233A (December 2011), p. 1. The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A, pp. 4, 5. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, pp. 3, 4.

In this case, the Department received the Claimant's application for FIP benefits on October 1, 2012. The Department referred the Claimant to the JET program with a scheduled appointment for October 19, 2012. Prior to the appointment, the Claimant testified credibly that she contacted the Department, stating she did not have child care or transportation. The Claimant was reportedly instructed to complete a Child Development & Care ("CDC") application. At that time, an application for CDC benefits would not have been processed in time to remove the barrier for JET participation on October 19th. The Claimant was unable to secure child care prior to the October 19th date and, thus, the barrier was not removed resulting in the inability to attend the JET orientation. In light of the foregoing, the Claimant established good cause for failing to attend the JET orientation. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department's denial of the October 1, 2012 FIP application based on the failure to attend the WF/JET orientation is not upheld.

Accordingly, it is ORDERED:

1. The Department's FIP determination is REVERSED.
2. The Department shall re-register and initiate processing the October 1, 2012 FIP application, to include appropriate WF/JET referrals after barriers are removed, in accordance with department policy.
3. The Department shall notify the Claimant of the FIP determination in accordance with Department policy.
4. The Department shall supplement for FIP benefits that the Claimant was entitled to receive if otherwise eligible and qualified based on the October 1, 2012 application, in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2013

Date Mailed: February 22, 2013

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

CMM/tm

cc:

