

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2013-21934
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 November 14, 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 November 14, 2012.
2. On November 20, 2012, the Department sent a Work Participation Program Appointment Notice instructing the Claimant to attend the Work First/Jobs, Education, and Training ("WF/JET") program on December 3, 2012. (Exhibit 1)
3. The Claimant attended the scheduled appointment and was referred to the Resource Network. (Claimant Exhibit A)
4. The Claimant needed child care and was instructed to secure child care prior to continued JET participation.

5. The Department's case notes did not reflect that the Claimant attended the December 3, 2012 appointment. (Exhibit 2)
6. On December 14, 2012, the Department denied the Claimant's FIP application based on the failure to cooperate with the WF/JET program. (Exhibit 3)
7. On January 9, 2013, 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.

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. Lack of child care that is appropriate, suitable, affordable, and within a reasonable distance of the client's home or work site, constitutes good cause. BEM 233A, p. 4. An individual who identifies barriers may be temporarily deferred from JET participation. BEM 229 (December 2011), p. 1.

In this case, the Claimant was scheduled to attend the WF/JET program on December 3, 2012. The Claimant testified credibly that she went to the scheduled appointment as required. In support, the Claimant submitted an appointment letter that was provided to her at the appointment that assigned her to participate at the Resource Network beginning December 4th. At that time, the Claimant did not have child care arrangements. As such, she was instructed to apply for Child Development & Care ("CDC") services and to secure child care prior to WF/JET participation. The Claimant did as she was told; however, on December 14, 2012, the Department denied the FIP case based on the Department's records which showed that the Claimant failed to attend the WF/JET orientation. Ultimately, it is found that the Claimant did comply with the Work Participation Program Appointment Notice as well as subsequently securing child care to allow her to participate with the WF/JET program. In light of the foregoing,

the Department's denial of FIP benefits due to non-compliance with the WF/JET program is 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 November 14, 2012 FIP application is not upheld.

Accordingly, it is ORDERED:

1. The Department's FIP determination is REVERSED.
2. The Department shall register and initiate processing of the November 14, 2012 FIP application in accordance with department policy.
3. The Department shall notify the Claimant of the determination in accordance with department policy.
4. The Department shall supplement for lost FIP benefits that the Claimant was entitled to receive if otherwise eligible and qualified, 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 20, 2013

Date Mailed: February 20, 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:

