

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-29230  
Issue No.: 1021  
Case No.: [REDACTED]  
Hearing Date: March 11, 2013  
County: Wayne (49)

**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 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, March 11, 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 cash assistance ("FIP") due to three Jobs, Education, and Training ("JET") sanctions?

**FINDINGS OF FACT**

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

1. On October 8, 2012, the Claimant failed to appear for a scheduled hearing resulting in an Order of Dismissal being generated and mailed to the Claimant.
2. On November 2, 2012, the Claimant re-applied for FIP benefits.
3. The Department denied the November 2, 2012 FIP application because the Claimant had three JET sanctions.
4. On January 22, 2013, a hearing was held regarding the November 2, 2012 FIP application.

5. On January 24, 2013, a Settlement Order was issued as a result of the January 22<sup>nd</sup> hearing whereby the Department agreed to re-register and process the November 2, 2012 FIP application.
6. On January 24, 2013, the Department sent a Notice of Case Action to the Claimant informing the Claimant that the November 2<sup>nd</sup> FIP application was denied based on the three JET sanctions. (Exhibit 1)
7. On January 29, 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 Bridges 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 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996.

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The Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A (November 2012), p. 1. All Work Eligible Individuals ("WEI") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 233A, p. 1; BEM 228 (November 2012), p. 3. As a condition of eligibility, all WEIs 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. The penalty for non-compliance without good cause is termination of FIP benefits. BEM 233A, p. 6. The first occurrence of non-compliance results in FIP closure for not less than three calendar months. The second occurrence results in closure for not less than six calendar months. The third occurrence of non-compliance results in a lifetime sanction. BEM 233A, p. 6.

In this case, the Department determined that a third JET non-compliance occurred. The Claimant was notified of the FIP closure from which she timely appealed. A hearing was scheduled for October 8, 2012; however, the Claimant failed to call or appear for the hearing resulting in an Order of Dismissal, which was mailed to the Claimant. On November 2, 2012, the Claimant re-applied for FIP benefits. As a result of the lifetime sanction, the Department found the Claimant ineligible for FIP benefits. The Claimant requested another hearing which was held on January 22, 2013. That hearing ended with a Settlement Order, mailed on January 24, 2013 in which the Department agreed to re-register and process the November 2<sup>nd</sup> FIP application. Again, the application was denied as a result of the three JET non-compliances. On January 29, 2013, the Department received the Claimant's written request for hearing regarding this denial.

The Claimant testified that her FIP benefits should have been reinstated as a result of the January 22<sup>nd</sup> hearing. While on the record, the Settlement Order was reviewed. The Order does not mention FIP reinstatement. Instead, the Order provides that the Department would re-register and process the November 2<sup>nd</sup> FIP application. The Department did just that; however because the Claimant has a lifetime sanction on her FIP case, she is not eligible for FIP benefits. Ultimately, the Department established it acted in accordance with department policy when it denied the Claimant's November 2, 2012 FIP application. Accordingly, the Department's determination is AFFIRMED.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds the Department established it acted in accordance with department policy when it denied the Claimant's November 2, 2012 FIP application based on the JET lifetime sanction.

Accordingly, it is ORDERED:

The Department's January 24, 2013 FIP determination is AFFIRMED.

*Colleen M. Mamelka*

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

Date Signed: March 14, 2013

Date Mailed: March 14, 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:

