

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

**IN THE MATTER OF:**

[REDACTED]

Reg No.: 2013-6317  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: January 10, 2013  
Wayne County DHS (18)

**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, January 10, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

**ISSUE**

Whether the Department properly terminated the Claimant's cash assistance ("FIP") benefits effective October 1, 2012?

**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 Claimant was a FIP recipient.
2. On or about July 12, 2012, the Claimant failed to attend a triage appointment scheduled with the Inkster DHS office resulting in a finding of no good cause.
3. On or about July 18, 2012, the Department sent a Notice of Case Action to the Claimant informing her that her FIP benefits would terminate effective September 1<sup>st</sup> and that the JET non-compliance sanction was imposed.

4. During the period of the non-compliance, the Claimant was in a shelter due to reported domestic violence.
5. On September 12, 2012, the Claimant submitted a FIP application with the [REDACTED] DHS office.
6. The Claimant's group size was (is) 3.
7. On September 18, 2012, the Department sent a Notice of Case Action to the Claimant denying FIP benefits based on the failure to meet the employment and/or self sufficiency-related activities as determined by the [REDACTED] DHS office. (Exhibit 1)
8. On October 16, 2012, the Department received the Claimant's written request for hearing protesting the imposition of the JET sanction. (Exhibit 2)

### **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.

The Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A (May 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 (December 2011), 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. Lack of transportation and/or domestic violence constitute good cause. BEM 233A, pp. 4, 5.

An individual who identifies barriers may be temporarily deferred from JET participation. BEM 229 (December 2011), p. 1. JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A. In processing a FIP closure, the Department is required to send the client a notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A.

In this case, in [REDACTED], the Claimant was deferred from JET participation due to a domestic violence situation. As a result, the Claimant was moved to a safe house/shelter. While in the shelter, and subsequent to her move to her apartment, the Claimant did not receive any of the Notices sent to her regarding reporting to the JET program, the Non-compliance Notice, or the Notice of Case Action. Due to the domestic violence issue, the Claimant did not provide the post-office with a forwarding address to the shelter (although the Department was aware of it) nor did the shelter forward any mail when she moved out for safety reasons. The Claimant found out her FIP benefits were terminated when she did not receive benefits for September 2012.

At this time, the Claimant, who now lived in [REDACTED] submitted a new FIP application. The Department registered the application but was unable to approve FIP benefits due to the imposition of the JET sanction. In light of the fact that at the time of the non-compliance, the Claimant was dealing with a domestic violence situation and lacked transportation, good cause is established for the failure to participate with the JET program. Accordingly, the imposition of the 3 month sanction 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 actions are not upheld.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department's imposition of the JET sanction is not upheld.
2. The Department shall re-register and initiate processing of the September 12, 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 benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

*Colleen M. Mamelka*

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

Date Signed: January 23, 2013

Date Mailed: January 23, 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:

