

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: [REDACTED]
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 held on [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Family Independence Program (FIP) case for noncompliance with the Jobs, Education, and Training (JET) program?

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 Claimant submitted a timely "TC-60" application for Family Independence Program (FIP) benefits.
2. The Department referred the Claimant to the Jobs, Education, and Training (JET) program as a condition of receiving FIP benefits.
3. On [REDACTED], the Department notified the Claimant that she had been scheduled to participate in the JET program on [REDACTED].
4. The Claimant was noncompliant with the JET program when she failed to attend or reschedule her JET appointment scheduled for [REDACTED].

5. On [REDACTED], the Department notified the Claimant that it had denied her Family Independence Program (FIP) application.
6. The Department received the Claimant's request for a hearing on [REDACTED], protesting the denial of her Family Independence Program (FIP) application.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. The Department's focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. Department of Human Services Bridges Eligibility Manual (BEM) 233A (May 1, 2012), p 1.

Noncompliance by a WEI while the application is pending results in group ineligibility. BEM 233A, p 5.

In this case, the Claimant submitted a timely "TC-60" application for Family Independence Program (FIP) benefits. The Department referred the Claimant to the Jobs, Education, and Training (JET) program as a condition of receiving benefits. On [REDACTED], the Department notified the Claimant that she had been scheduled to participate in the JET program on [REDACTED].

The Claimant was noncompliant with the JET program when she failed to attend or reschedule her JET appointment scheduled for [REDACTED].

The Claimant argued that she was not capable of participating in the JET program.

The Department sent the Claimant a medical needs form to provide verification of the impairments that prevent her from participating in the JET program. The Claimant failed to return the Medical Needs form in a timely manner. After further review into the Claimant's medical condition through collateral contacts with the Claimant's physician, the Department determined that the Claimant was capable of participating in the JET program.

The Claimant argued that a lack of transportation was a barrier to her participation in the JET program.

The Department indicated that it would provide the Claimant with bus passes to assist her with her participation in the JET program, but that they would not mail the passes to the Claimant through the mail.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant failed to provide the Department with timely information necessary to defer her participation in the JET program.

This Administrative Law Judge finds that the Claimant failed to present sufficient evidence to establish good cause for her noncompliance with the JET program.

The Department has established that it properly denied the Claimant's application for Family Independence Program (FIP) benefits for failure to participate in the JET program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Family Independence Program (FIP) eligibility.

The Department's Family Independence Program (FIP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 05/10/2013

Date Mailed: 05/10/2013

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

KS/kl

cc:

