

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

IN THE MATTER OF:

Reg. No: [REDACTED]
Issue No: 1005

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in-person hearing was held on [REDACTED]. Claimant appeared and testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. Following her postpartum deferral, on [REDACTED] Claimant was referred back to JET orientation scheduled for [REDACTED].
3. Claimant testified that she contacted her JET worker prior to [REDACTED] and informed her that she needed to complete community service related to her probation. Claimant testified that she was told by her worker that her [REDACTED], or orientation appointment would be rescheduled.
4. Claimant's JET case worker was not available to testify at hearing.
5. Notice of noncompliance was sent to Claimant on [REDACTED] with notice of a [REDACTED], triage meeting.

6. At the triage meeting, Claimant was found to not have good cause and her case was processed for closure.
7. Claimant requested a hearing on ██████████ contesting the closure of FIP benefits.
8. Claimant's benefits were not reinstated pending hearing.

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) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant's FIP benefits were active and she was deferred due to her pregnancy and following the birth of her child. Following her deferral she was referred back to JET orientation. Claimant testified that she contacted her JET worker prior to the JET appointment date and explained that she had obligations related to her probation that she needed to complete. Claimant testified that her JET worker told her

that her orientation would be rescheduled. Claimant's JET worker was not available to testify at hearing. This Administrative Law Judge found the Claimant's testimony credible and it was not rebutted by the Department witness. Therefore, Claimant was not noncompliant with JET and it was improper and incorrect for the Department to close her FIP benefits. BEM 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's FIP benefits and it is ORDERED that the Department's decision in this regard be and is hereby **REVERSED**. Claimant's FIP benefits shall be reinstated going back to the date of closure, any missed benefits shall be paid to her in the form of a supplement, and the negative action shall be deleted.

Aaron
Administrative
for
Department

Ann McClintic
McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 02/15/2013

Date Mailed: 02/15/2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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.

[REDACTED]/AM

- 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

AM/kl

cc:

[REDACTED]