

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

IN THE MATTER OF:

[REDACTED]

Reg.No. 2013 32880
Issue No. 1038
Case No. [REDACTED]
Hearing Date: April 3, 2013
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 held on April 3, 2012. The Claimant appeared and testified. [REDACTED] the Claimant's Authorized Hearing Representative, also appeared. [REDACTED] Jet FIS worker, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's cash assistance (FIP) for failure to attend Work First Orientation.

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 applied for FIP cash assistance on November 24, 2012.
2. The Claimant was to attend a Work First orientation on January 2, 2013. The Claimant did attend the Work First orientation on that date.
3. The Claimant attended the Work First program and met her participation requirements.
4. The Department sent a Notice of Case Action on February 20, 2013 denying the Claimant's FIP application for failure to attend the Work First program orientation. Exhibit 2.

5. The Claimant attended the Work First program either every Tuesday or Thursday and presented her work logs and was required to complete 40 hours of job search and did so through the third week of February 2013.
6. The Claimant was advised by the Work First program in February that she could no longer attend due to the Department closing (denying) her case.
7. The Claimant requested a hearing on February 26, 2013 protesting the denial of her FIP application for failure to attend Work First orientation.

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"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq.* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 228 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related activities. BEM 233A 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 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

In this case the Claimant credibly testified that she did report for orientation on January 2, 2013 and continued to attend and provide her job logs. The Claimant was turned away by the Work First program sometime in February 2013 due to the Department denying her application. The Department denied the Claimant's FIP application by Notice of Case Action dated February 20, 2013 effective February 1, 2013 due to her failure to attend the Path orientation. Exhibit 2. The Department could not say whether the Claimant attended orientation and Work First. The Claimant and her witness credibly testified to attending orientation and completing her job logs and work participation 40 hour requirement. Based on these facts, the Claimant has demonstrated that the Department had no basis to deny her November 24, 2012 application. It therefore must be determined that the Department incorrectly denied her

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application. The Participant history provided by the Department indicated that the Claimant did attend orientation on January 2, 2013 which also supports the Claimant's un rebutted testimony. Exhibit 1.

Under these circumstances the Department should not have denied the Claimant's FIP application as she attended orientation as assigned and continued to attend the Work First program. The Claimant did everything she was required to do to preserve her application.

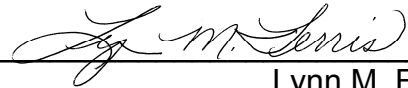
Based on the foregoing facts and testimony of the witnesses, the Department should not have denied the Claimant's FIP application for failure to attend the Work First Orientation.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department improperly denied the Claimant's FIP application for failure to attend the Work First Orientation. Therefore, the Department's determination denying the Claimant's application for FIP is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall initiate reinstatement of the Claimant's November 24, 2012 FIP application and process the application to determine eligibility.
2. The Department shall issue a supplement to the Claimant for any FIP benefits she was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2013

Date Mailed: April 11, 2013

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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

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cc:

