

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2008-32067
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 25, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on March 25, 2009. Claimant appeared and testified.

ISSUE

Does the Department of Human Services (DHS or department) properly propose to penalize claimant's Family Independence Program (FIP) for failure to participate in the Jobs, Education, and Training (JET) programming?

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 has been a recipient of FIP benefits and is a mandatory participant in JET activities.

(2) Claimant was absent from the JET program on May 28, 2008; May 29, 2008; June 2, 2008; June 3, 2008; and June 4, 2008.

(3) On June 10, 2008, the department sent claimant a DHS 2444, Notice of Employment and/or Self-Sufficiency Related Noncompliance, regarding the above absences and scheduling a triage meeting for June 18, 2008. (Department Exhibit #1).

(4) Claimant failed to attend the triage meeting on June 18, 2008, nor did he call or contact the department.

(5) On June 20, 2008, claimant went to the department office to discuss the matter. Claimant failed to establish good cause for his failure to participate in mandatory JET activities. The department did agree to refer claimant back to JET programming with a start date of July 3, 2008. Claimant was given 6 bus tickets.

(6) On July 3, 2008, claimant failed to attend the JET program.

(7) On July 10, 2008, the department sent claimant a DHS 2444, Notice of Employment and/or Self-Sufficiency Related Noncompliance, regarding claimant's failure to start the JET program on July 3, 2008 and scheduling a triage meeting for July 17, 2008. (Department Exhibit #6).

(8) On July 17, 2008, claimant failed to attend the scheduled triage meeting, nor did he call or contact the department.

(9) On July 18, 2008, claimant called the department and indicated that his vehicle had broken down and prevented him from attending JET. The department agreed to give claimant another referral to JET with a start date of August 11, 2008.

(10) On August 11, 2008, claimant failed to attend the JET program.

(11) On August 12, 2008, the department sent claimant a DHS 2444, Notice of Employment and/or Self-Sufficiency Related Noncompliance, regarding claimant's failure to attend JET on August 11, 2008 and scheduling a triage meeting for August 20, 2008. (Department Exhibit #9).

(12) On August 12, 2008 the department sent claimant a DHS 1605, Notice of Case Action, indicating that his FIP would be cancelled effective August 26, 2008 because claimant had failed to participate in employment and/or self-sufficiency- related activities.

(13) On August 20, 2008, claimant failed to attend the triage meeting, nor did claimant call or contact the department.

(14) On August 26, 2008 claimant filed a hearing request to protest the department's action.

(15) Thereafter, the department reinstated claimant's FIP benefits pending the outcome of the instant 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Relevant policy in this matter is as follows:

FAILURE TO MEET EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED REQUIREMENTS: FIP

DHS requires client's to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our 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.

All Work Eligible Individual (WEI)... who fail, without good cause to participate in and/or self-sufficiency-related activities must be penalized. PEM, Item 233A, page 1.

The penalty without good cause is FIP closure. Effective April 1, 2007, the following minimum apply:

For the first occurrence on a FIP case, close the FIP for not less than 3 calendar months... PEM, Item 233A, Page 6.

In this matter, claimant was a mandatory JET participant. He was not deferred from participation. Claimant was properly informed of his obligation to participate in JET activities. The records support the finding that claimant failed to participate in assigned JET activities. Claimant has not provided a good cause reason for his failure to participate in mandatory activities. Claimant asserted at the hearing that he had no funds for transportation but acknowledged that he could have asked the department for bus tickets. Claimant admitted that on at least two occasions he did not have a good cause reason for failing to participate in JET activities. Accordingly, the department's action in this matter must stand.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly proposes to penalize claimant's Family Independence Program benefits as a result of claimant's failure to participate in Jobs, Education, and Training activities.

Accordingly, the department's proposed action in this matter must be AFFIRMED.

/s/

Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 7, 2009

Date Mailed: April 7, 2009

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.

LSS/at

cc:

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