

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: 2009-11307

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 9, 2009

Mason County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 April 9, 2009. Claimant personally appeared and testified. A Work First/JET site manager and case manager personally appeared and testified. The Department was represented by a family independence manager and a family independence specialist.

ISSUE

Did the Department properly determine that Claimant's Family Independence Program (FIP) case should be closed on the grounds that she and her husband failed to comply with the Jobs, Education and Training (JET) program requirements without good cause?

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 is a FIP recipient. Her group receives [REDACTED] in monthly FIP benefits.

- (2) Claimant and her husband were required to attend Work First/JET.
- (3) Claimant and her husband attended a Work First/JET orientation on December 15, 2008. Her FIP case opened on December 23, 2008.
- (4) Claimant and her husband were required to submit their work logs to Work First/JET by December 29, 2008. (Exhibit 1). They did not do so because transportation problems that arose shortly before they were to use bus services made available to them to get to the Department.
- (5) Work First/JET gave Claimant and her husband another opportunity to submit their logs by January 5, 2009. (Exhibit 2). Claimant contends that she and her husband failed to submit their logs by January 5, 2009 due to illness.
- (6) Consequently, Claimant and her husband were scheduled for a triage meeting on January 16, 2009 at [REDACTED] at the Department office in Mason County. (Exhibit 3). Neither Claimant nor her husband attended the triage meeting. They also did not call to report their inability to attend the triage. Claimant asserted that they did not attend the meeting due to lack of transportation and did not call because they do not have telephone service.
- (7) The triage notices informed Claimant and her husband that they had until January 21, 2009 to “demonstrate good cause for non-compliance” before their FIP case would be closed. (Exhibit 3).
- (8) After Claimant did not attend the triage, the Department found Claimant did not establish good cause for their noncompliance with Work First/JET requirements. (Exhibit 5).
- (9) Claimant also had been found noncompliant in August 2007. (Exhibit 4).

- (10) Therefore, the Department considered Claimant's and her husband's failure to attend Work First/JET without good cause to constitute a second and third noncompliance.
- (11) The Department sent Claimant a Benefit Notice, form DHS-176, dated January 16, 2009. The Benefit Notice notifying her that her failure to comply with Work First/JET requirements by January 21, 2009 would amount to a third noncompliance which carries a 12-month case closure penalty (Exhibit 5).
- (12) Claimant disagreed with the Department's determination to close her FIP case on the grounds that transportation issues, illness and lack of telephone service caused their failure to meet their Work First/JET requirements.
- (13) The Department received Claimant's hearing request on January 21, 2009. (Exhibit 6).

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 (formerly known as the Family Independence Agency) 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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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. (PEM 230A, pg. 1)

NONCOMPLIANCE PENALTIES FOR ACTIVE FIP CASES AND MEMBER ADDS

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

- For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in [First Case Noncompliance Without Loss of Benefits](#) below.
- For the second occurrence on the FIP case, close the FIP for not less than three calendar months.
- For the third and subsequent occurrence on the FIP case, close the FIP for not less than 12 calendar months. (PEM 233A, p.6).

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

In this case, Claimant had been given another opportunity to comply with Work First/JET requirements after she and her husband failed to timely submit their logs by December 29, 2009. Claimant and her husband also failed to submit their logs by January 5, 2009. Claimant asserted

that she did not know they could have mailed the logs or put them in a drop box. The fact that Claimant did not know there were other ways to provide the Department and Work First/JET with their logs did not absolve her of the responsibility to do so. Claimant did not ask for assistance and did not tell the Department prior to the due date that she needed assistance getting the logs to Work First/JET. It is found that Claimant's and her husband's noncompliance constitute three acts of noncompliance. Consequently, it is found that the Department properly determined to close her FIP case for 12 months as a penalty. The Department suspended the action when she timely filed a hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined to sanction Claimant for a third noncompliance by closing her FIP case.

Accordingly, the Department's action is AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/14/09

Date Mailed: 04/15/09

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.

2009-11307/TW

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

TW/dj

cc:

