

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: 2009-13449
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 30, 2009
Wayne 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 March 30, 2009. Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly determine that Claimant's Family Independence Program (FIP) case should be closed on the grounds that she did not 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 was a FIP benefits recipient.

- (2) On January 23, 2008, the Department sent Claimant a Notice of Noncompliance for failure to comply with “triage in office with contractor” by failing to return to Work First (Exhibit 3) on December 15, 2008.
- (3) The Noncomplaine Notice also informed Claimant that a duoge meeting was scheduled for January 30, 2009 at 9:00 am at [REDACTED] to allow Claimant to show good cause for failure to return to Work First/JET.
- (4) Claimant attended the duoge meeting but did not provide written verification that she had returned to Work First/JET on December 15, 2008.
- (5) Claimant contends that she returned to Work First/JET on December 15, 2008 but did not bring written document to the duoge.
- (6) Claimant asserted that on Friday, March 27, 2009, she picked up written confirmation that she attended Work First/JET on December 15, 2008.
- (7) Because Claimant did not provide written verification that she attended Work First on December 15, 2008, the Department closed her FIP case on February 28, 2009.
- (8) The Department received a hearing request on January 30, 2009.

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).

**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 did not provide verification that she returned to Work First/JET on December 15, 2008 at a duoge meeting held on January 30, 2009. The Notice of Noncompliance (Exhibit 3) sent to Claimant states: “ A meeting has been scheduled to give you an opportunity to report and verify your reasons for noncompliance.” It also states: “It is your responsibility to report and verify your actions.” Claimant contends that a Work First/JET contractor was to fax or verify her attendance by phone prior to the duoge. It is found that Claimant knew or had reason to know that she had the responsibility to provide verification of her Work First/JET attendance. Under these circumstances, it is found that Claimant failed to establish that she complied with the determination to the return to Work First/JET on December 15, 2008. Consequently, the Department acted properly when it notified Claimant that her FIP case would be closed for failure to comply with JET requirements or to provide good cause for failure to comply.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined that Claimant’s FIP case should be closed as a sanction for her noncompliance with Work First/JET requirements.

Accordingly, the Department's action to close her FIP case in February 2009 is
AFFIRMED.

/s/

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

Date Signed: 04/06/09

Date Mailed: 04/07/09

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.

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:

