

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: 2009-14984

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 1, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from [REDACTED] on April 1, 2009. The Claimant appeared and testified along with [REDACTED] from the [REDACTED] Charles Forster, FIA caseworker, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's FIP case for failure to cooperate?

FINDINGS OF FACT

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

1. Claimant has been receiving FIP benefits since 2007.
2. Claimant was referred to the JET program most recently on 12/22/08.
3. The Work First caseworker was not present at the hearing.

4. Claimant testified that she completed her work assignment for Work First on Tuesday, January 6, 2009. However, Claimant was unable to file the report of her work assignment the next day because she did not have transportation.
5. Claimant testified that she was originally issued individual bus tickets and was instructed by her Work First caseworker to get a 30 day bus pass.
6. Claimant testified that she went to the [REDACTED] on 1/7/09 to purchase a pass, but she was informed that there were no 30 day passes available. Claimant was informed that passes would be available on Friday, 1/9/09.
7. Claimant testified that she missed her Work First assignment on 1/7/09 and 1/8/09 because she did not have the bus pass and, therefore, did not have any transportation.
8. Claimant testified that she was unable to get the bus pass on 1/9/09 because she stayed home with her daughter who was sick.
9. Claimant testified that on the following Monday, 1/12/09, Claimant obtained a bus pass and presented her assignments to the Work First Office.
10. The Case Notes indicate “File returned to MW after customer exceeded allowable absences. 1/6=6fex, 1/7=4fex, 1/8=6fex”. (Exhibit 1, p. 1).
11. No notice of noncompliance or noncooperation was issued by the Department.
12. A triage was scheduled for 2/5/09. The Case notes indicate “[Claimant] stated that she didn’t have transportation to do her job search and that she was unable to get bus tickets . . . Customer did not inquire with staff and she did not return to hand in her job lead logs, which put her over 16 hours of absence. No good cause has been established.” (Exhibit 1, p. 39).
13. Claimant’s benefits were terminated effective 2/7/09.

14. On February 12, 2009, the Department received the Claimant's written hearing request.

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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Federal and State laws require each work eligible individual in a 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. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

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. PEM 233A at 4. Good cause includes when the client has a debilitating illness or injury or when an immediate family member's illness or injury requires in-home care by the client. Id. Good Cause also includes when the client has requested transportation services from DHS, the MWA, or other employment services provider prior to case closure and reasonably priced transportation is not available to the client. PEM 233A at p. 5. The penalty for noncompliance without good

cause is FIP closure. Id. at 6. If good cause is established the negative action is to be deleted. Id. at 12.

In this case, [REDACTED] gave credible testimony that she did not have transportation. While [REDACTED] did not call her Work First caseworker about transportation, she attempted to purchase the bus pass from the [REDACTED] as instructed. Furthermore, [REDACTED] purchased a bus pass when they became available. Furthermore, [REDACTED] was unable to get the pass any sooner as her daughter was ill and home from school on January 9, 2009. This Administrative Law Judge cannot find that Claimant failed to cooperate since Claimant had a lack of transportation that she attempted to rectify as well as a sick child on 1/9/09.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's 1/12/09 negative action for noncooperation with JET shall be deleted and the Department shall reopen and reinstate Claimant's FIP case.
2. The Department shall supplement the Claimant with any lost benefits she was otherwise entitled to receive.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/10/09

Date Mailed: 04/10/09

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.

JV/dj

cc:

