

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: 2009-15041
Issue No: 3029
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
Cass County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on September 16, 2009.

ISSUE

Was good cause for noncompliance with the JET program established?

FINDINGS OF FACT

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

- (1) Negative action: proposed FIP termination on February 13, 2009 based on noncompliance with the JET program per PEM 210, 229, 230A and 233A.
- (2) On December 15, 2008, the claimant was terminated from the JET program for noncompliance.
- (3) On February 12, 2009, the claimant was offered a Triage appointment.

(4) Claimant has an 8th grade education and qualified for at least fast-food work.

(5) Claimant's "job search guidelines and check-in schedule" in part with JET states

the job seeker must:

- . On Tuesdays, you are required to turn in hours of job search activity conducted the previous week, and
- . You must apply for jobs that you are qualified for.... (DHS Exhibit #5.)

(6) On December 12, 2008, the claimant applied for a maintenance job technician that requires some college education and four years of experience (DHS Exhibit #4).

(7) On December 12, 2008, the claimant applied for a recruitment leader that required a Bachelor's Degree and two years of experience (DHS Exhibit #3).

(8) On December 12, 2008, the claimant applied for a specialty engineer-reliability job that required a Bachelor's Degree and five years of experience (DHS Exhibit #2).

(9) On December 12, 2008, the claimant applied for a casting buyer job that required a Bachelor's Degree and more than ten years' experience (DHS Exhibit #1).

(10) Claimant had no verifications of job applications during the week before December 16 (Tuesday) that were within her job qualifications.

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

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

Facts above are undisputed.

Per PEM Item 210, 229, 230A and 233A, FIP recipients must comply with the JET program as a condition of continuing eligibility. The pertinent JET program rules are cited above.

The claimant does not disagree for the weekly period in question she applied for jobs that she was not qualified for.

The claimant claims good cause for her noncompliance with the JET program requirements. She testified that she does not feel qualified for any jobs, except for fast-food type work.

Good Cause-----a circumstance considered a valid reason for not complying with a requirement. (PRG, Glossary, page 15.)

The claimant presented no evidence that it was beyond her control to have applied for jobs within her qualifications and timely verify same to JET.

Therefore, the claimant has not established good cause for her noncompliance with the JET program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was not established for noncompliance with the JET program.

Accordingly, proposed FIP termination is UPHELD.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2009

Date Mailed: October 20, 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.

WAS/tg

cc:

