

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: 2009-15265  
Issue No: 1038  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 24, 2009  
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on June 24, 2009. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was the father of her child [REDACTED] and her mother [REDACTED]

ISSUE

Did the department properly terminate claimant's Family Independence Program (FIP) benefits in December, 2008?

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 recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when she was assigned to triage on December 5, 2008, by WF/JET staff for allegedly falsifying job lead sheets. (Department's Exhibit 1).

2. On December 11, 2008, department mailed the claimant a Notice of Noncompliance scheduling the triage appointment to discuss her reasons for WF/JET noncompliance on December 19, 2008. (Department's Exhibit 2).

3. Triage was held on December 19, 2008, and no good cause was given. On December 19, 2008, department mailed the claimant a Notice of Case Action, DHS-1605, through Bridges computer system, telling her that her FIP benefits will terminate effective 01/01/2009. (Department's Exhibits 5-8).

4. Claimant used part of the DHS-1605 to request a hearing and this hearing request was received by the department on January 28, 2009.

5. Claimant contested department's conclusion that she falsified her job applications at the hearing. Following the hearing department provided additional information consisting of Psychological Consulting contact that stated that claimant did not fill out the application correctly, and from [REDACTED] stating that the claimant picked up an application on December 2, 2008, but did not turn it in.

6. Department also provided Albion JET Job Club Job Search Rationale sheet claimant signed that specifies what she must do for her job search and what time credit she receives for each type of job search and/or interview, JET Requirements sheet claimant signed on October 6, 2008, stating she understood her JET requirements, and actual job search hours claimant submitted.

7. Claimant was to complete 30 hours of job search per week. Week of October 5, claimant completed/was credited thirty two hours, October 12, two hours, October 19, twenty eight hours, October 26, fourteen hours, November 2, zero hours with one hour excused absence,

November 9, thirteen hours, November 16, ten hours, November 23, one hour, and November 30, two hours.

### 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).

Departmental policy states:

#### **DEPARTMENT PHILOSOPHY**

##### **FIP**

DHS requires clients 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.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

Noncompliance may be an indicator of possible disabilities. Consider further exploration of any barriers.

#### **DEPARTMENT POLICY**

## **FIP**

All Work Eligible Individual (WEI) and adult non-WEIs (except ineligible grantees, clients deferred for lack of child care (DC) and disqualified aliens), see PEM 228, who fail, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period)
- Case closure for a minimum of three or 12 months

See PEM 233B for the Food Assistance Program (FAP) policy when the FIP penalty is closure. For the Refugee Assistance Program (RAP) penalty policy, see PEM 233C. PEM 233A, p. 1.

## **NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES**

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
  - .. Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
  - .. Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
  - .. Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).
  - .. Comply with activities assigned to on the Family Self-Sufficiency Plan (FSSP) or PRPFC.
  - .. Appear for a scheduled appointment or meeting.

- .. Participate in employment and/or self-sufficiency-related activities.
- .. Accept a job referral.
- .. Complete a job application.
- .. Appear for a job interview (see the exception below).
- . Stating orally or in writing a definite intent not to comply with program requirements.
- . Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- . Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. PEM 233A, pp. 1-2.

Claimant was required to participate in job search for 30 hours per week, requirement she acknowledged understanding when she signed JET Requirements and Job Search Rationale forms (see Finding of Fact 6). It is clear from the information provided by the department (see Finding of Fact 7) that the claimant failed to complete this requirement for a number of weeks. Claimant testified that she did apply for particular jobs, that it is difficult to find enough employers in Albion, that she was visiting the same employers every week, and that she submitted the application for [REDACTED] in another location. Department's documentation shows that the claimant did not complete her JET requirements for several weeks prior to the triage appointment.

The father of claimant's youngest child under 1 year of age who does not live with the claimant or provides any support for the child testified that WF picks and chooses who they work with and how they treat people, and that the claimant had pregnancy problems and dilated early because she had to walk all over. WF/JET staff person present at the hearing responds that there is a van that comes around to provide transportation if clients need it. Claimant's mother also

testified saying that the claimant did do a lot of applications and she took her to some of the employment places to apply for jobs.

Claimant also testified that she did not get the notice of case closure. Claimant however, used part of DHS-1605 (see Findings of Fact #3 and 4) to request this hearing, form that she would not have in her possession if she indeed did not receive the case closure notice.

Claimant has several instances of WF/JET noncompliance since July, 2007, according to WF/JET Update/View Case Notes provided for this hearing, and this is the 3<sup>rd</sup> time department concluded she was in noncompliance with this program. Claimant is therefore not new to WF/JET requirements and should be very familiar with what this program requires her to do in order to remain eligible for FIP benefits. Claimant's excuses for her failure to do so are not valid good cause reasons under departmental policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly took action to terminate claimant's FIP benefits in December, 2008.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 8, 2009

Date Mailed: July 10, 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 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.

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