

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: 2009-16057  
Issue No: 1021  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 27, 2009  
Genesee 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 Detroit, Michigan on April 27, 2009. The Claimant appeared and testified. Elsie Kelly, JET worker appeared on behalf of the Department.

ISSUE

Whether the Department properly issued a negative action effective 2/11/09 on Claimant's FIP case for a failure to attend Work First?

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 was an active FIP recipient.
2. On 1/12/09, Claimant was sent notice to attend JET orientation on 1/20/09.  
(Exhibit 1).

3. Claimant failed to attend the Work First program on 1/20/09, 1/26/09, and 2/2/09. Exhibits 2 and 4.
4. A notice of noncompliance was issued to Claimant. Exhibit 4.
5. A triage meeting was scheduled on 2/19/09. Claimant did not show for the triage meeting.
6. Claimant testified that she suffers from osteoarthritis, Hepatitis C, Asthma and back pain.
7. Claimant testified about the extensive amounts of pain from which she suffers.
8. The Department testified that Claimant's case has not been referred to MRT because there is a lack of medical documentation.
9. The Department further testified that Claimant was given a Medical Evaluation Form to be filled out by Claimant's medical provider but that it was never returned.
10. On March 4, 2009, the Department received the Claimant's written hearing request.
11. The record was extended to allow Claimant additional time to provide proof of her medical condition. No medical records were submitted by Claimant.
12. The Department agreed to waive the timeliness and keep the record open for 30 days, until 5/27/09, to allow Claimant to provide medical documentation.

#### 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 being physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information. Id. 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, the Claimant failed to meet her burden of showing good cause for missing the JET orientation or triage appointments. Claimant's testimony consisted of vague complaints of pain. Claimant also provided conflicting testimony that, while she was too disabled to attend JET, she is providing care for her mentally ill son and her grandchild. Claimant was given an additional 30 days to provide medical documentation of her impairments. No additional information was received. The undersigned finds that there is insufficient evidence to support a finding of good cause for missing the JET orientation or triage appointment.

Therefore, it is found that the Department acted in accordance with department policy resulting in the proper closure of the Claimant's FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FIP case.

Accordingly, it is ordered that the Department's negative action and closure of Claimant's FAP case on 2/24/09 is AFFIRMED.

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

Date Signed: 06/05/09

Date Mailed: 06/05/09

**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:

