

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: 2009-16152
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 27, 2009
Genesee 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 April 27, 2009. Claimant personally appeared and testified. A Department JET caseworker 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 failed to 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 is a FIP recipient for a group size of six. The group includes Claimant and her five children. She receives \$828 in monthly FIP benefits.

- (2) Claimant was required to attend [REDACTED]/JET.
- (3) In September 2008, Claimant's JET service provider had been [REDACTED] which held JET sessions at the [REDACTED]. Her [REDACTED] JET worker, R. Mont, told her that the contract was being switched to another provider.
- (4) On October 1, 2008, the contract was switched to [REDACTED]
- (5) An [REDACTED]/JET worker, Mont told Claimant not to return to the [REDACTED] due to the change in contract and to wait for notice when and where to attend JET.
- (6) As part of her JET requirement, Claimant enrolled in school at [REDACTED] [REDACTED] on or about October 1, 2008. Claimant waited to hear from [REDACTED] or [REDACTED] regarding where she was to report.
- (7) In January 2009, Claimant received notice of an appointment at [REDACTED]. Claimant appeared at [REDACTED] on [REDACTED] on time for her appointment. Claimant waited for three hours for her meeting to begin before leaving to take a final exam at school.
- (8) On February 18, 2009, the Department sent Claimant a Notice of Noncompliance stating that she had "failed to engage in [REDACTED]." (Exhibit 1).
- (9) The Noncompliance Notice also informed Claimant that a triage meeting was scheduled for March 5, 2009 at 2:00 pm. (Exhibit 1). Claimant attended the meeting.
- (10) The Department determined that Claimant's case should be closed for failure to attending [REDACTED]/JET from September 2008. [REDACTED] is a JET service provider in [REDACTED].

- (11) The Department timely received Claimant's hearing request on March 5, 2009.
(Exhibit 3).

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).

DEPARTMENT POLICY FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. (PEM 230A, pg. 1)

NONCOMPLIANCE PENALTIES FOR ACTIVE FIP CASES AND MEMBER ADDS

The penalty for noncompliance without good cause is FIP closure. Effective April 1, 2007, the following minimum penalties apply:

- For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in [First Case Noncompliance Without Loss of Benefits](#) below.
- For the second occurrence on the FIP case, close the FIP for not less than three calendar months.

- For the third and subsequent occurrence on the FIP case, close the FIP for not less than 12 calendar months. (PEM 233A).

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. (BAM 105)

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. (BAM 105)

Claimant did not attend JET because her FBR/JET caseworker told her not to report to the [REDACTED] due to a change in contract and to wait for further notice. Claimant continued to attend her classes at [REDACTED]. When Claimant did receive notice to report to [REDACTED], she timely arrived for her meeting but waited three hours for someone to meet with her. It also is found that three hours was more than a reasonable period of time for Claimant to wait. It is found that Claimant did not fail to cooperate with the Department but reasonably followed the instructions of her JET worker and the notice to report to [REDACTED]. Under these circumstances, it is found that Department improperly determined to close her FIP case for three months as a sanction for noncompliance with JET. The Department suspended the action when she timely filed a hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly determined to sanction on the grounds that she failed to attend JET.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to remove the negative action from Claimant's FIP case.

/s/

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

Date Signed: 04/30/09

Date Mailed: 05/04/09

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:

[REDACTED]