### STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

## ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg. No.: 2009-16614 Issue No.: 1038 Case No.: Load No.: Hearing Date: April 20, 2009 Genesee County DHS (2)

# ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

## HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9

MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After

due notice, a telephone hearing was held on April 20, 2009. The Claimant personally appeared

and testified.

# **ISSUE**

Did the Department properly close the Claimant's Family Independence Program (FIP)?

# FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial

evidence on the whole record, finds as material fact:

- 1. The claimant was a FIP recipient and required to participate in job related activities..
- On February 18, 2009 the department sent the claimant a notice of noncompliance and of a triage to be held on March 3, 2009. (Department exhibit 2).
- On March 3, 2009, the claimant failed to appear or call the department concerning the triage held on the same date.

4. On March 13, 2009, the Claimant filed a request for a hearing.

#### 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).

In the instant case, the Claimant failed to attend JET appointments as well as a triage

appointment to explain her absences.

#### 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. (PEM 233A, p. 1-2).

In the instant case, the Claimant did not report to JET as required and was a no call no show for a triage appointment, scheduled to allow the claimant an opportunity to explain her reasons for not attending JET.

At the hearing the claimant stated that she had good cause because she is the victim of domestic violence. The claimant was not able to produce any evidence of domestic violence. This ALJ finds that the Claimant's reasons for her absence from JET do not constitute good cause. Therefore, the Department was correct in closing the Claimant's FIP due to noncompliance.

#### DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.

<u>/s/</u>

Michael J. Bennane Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: \_05/26/09\_\_\_\_

Date Mailed: \_05/26/09\_\_\_\_\_

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 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.

MJB/jlg

