

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: 2009-18317

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 9, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 July 9, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly sanction Claimant's Family Independence Program (FIP) for non compliance with Work First?

FINDINGS OF FACT

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

1. On February 24, 2009 the JET program determined the Claimant had missed too many of her scheduled appointments and sent a letter warning of a possible TRIAGE.
2. On February 26, 2009 the Claimant failed to appear for services and the JET program requested a TRIAGE.

3. On March 3, 2009 a TRIAGE was scheduled.
4. On March 10, 2009 the Claimant appeared for the TRIAGE but became angry and left prior to resolution.
5. On March 23, 2009 the Claimant requested a hearing stating she had missed appointments due to medical and court dates.
6. The Claimant missed 6 days of programming in the month of February.

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).

Relevant policy section 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.

In the present case, the Claimant's FIP case was closed due to failure to attend JET programming. The Claimant testified she was unable to make it to the JET site due to transportation. The Claimant testified she had told the Department she had an issue being able to get to the JET site. However this Administrative Law Judge finds the Claimant's credibility questionable. The Department testified the Claimant had never stated a transportation issue and all they had been told was about her medical and court appointments. The Claimant's hearing request states she had problems with attending due to medical and court appointments. The Department scheduled a TRIAGE to discuss the Claimant's missed dates and attempt to resolve the issues. However the Department testified and the JET records indicate the Claimant became hostile and grabbed materials

at the meeting and left before a resolution could be met. The JET record does indicate the Claimant was given an excused absence for February 17th.

The Claimant's testified her poor attendance was due to transportation issues. This ALJ finds that the Claimant failed to make the Department aware of this barrier to her attendance and when given the opportunity to resolve the barrier during a TRIAGE acted inappropriately and left prior to a resolution being made. The Claimant failed to participate with the JET program and with Department to insure her compliance with JET programming.

The Department properly determined the Claimant had failed to fully comply with program requirements and properly placed the Claimant's case into closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department's decision is UPHELD.

/s/

Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/17/09

Date Mailed: 8/18/09

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.

JWO/at

cc:

