

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. 2009-27308
Issue No. 1038
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
July 29, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon 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 July 29, 2009 and claimant was not represented.

ISSUE

Did the Department properly close claimant's Family Independence Program ("FIP") benefits case for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 recipient of FIP benefits while participating in the Work First/JET Program.
2. The Department issued a Notice of Noncompliance indicating a triage appointment was scheduled for May 14, 2009.

3. Claimant did not appear for the triage appointment.
4. On May 19, 2009 the Department closed Claimant's FIP benefits.
5. Claimant requested a hearing contesting the closure on June 12, 2009.

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 Dependant 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).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the 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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. PEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized.

PEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. PEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant was a recipient of FIP benefits who was required to participate in Work First/JET for 30-40 hours per week. Claimant was only attending Work First/Jet activities for 8-11 hours per week. Claimant first testified that it was hard to find a job and fill out applications. Claimant then testified that transportation problems are the primary reason she has not met the required hours for Work First/JET. Claimant testified that she does not have a vehicle and relies on taking the bus. Claimant further testified that sometimes she has a hard time catching the bus and that she does not always have the bus fare or runs out of bus tickets. However, claimant testified that bus tickets are provided to her by the Work First program when she asks for them. The department also testified they would assist with bus tickets if the claimant requests them. Claimant has not provided sufficient proof of good cause for failing to participate in Work First/JET program for the required 30-40 hours per week.

Additionally, claimant missed the May 14, 2009 triage appointment. Claimant testified that she did not receive the appointment notice and that the department sent it to her old address. However, claimant testified that she moved on [REDACTED] and did not notify the department of her new address at that time because she could not find the phone number. The change of address was not reported to the department until June 12, 2009 when the new address was used on claimants hearing request. Under PAM 105, clients must report changes, including changes of address and shelter cost changes that result from the move, within 10 days. Claimant did not

fulfill her responsibility to timely report the change in her address to the department. Therefore, the department did not err in mailing the triage appointment notice to claimant's old address.

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 benefits case.

Accordingly, the Department's eligibility determination is AFFIRMED.

/s/

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/28/09

Date Mailed: 08/31/09

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.

CL/dj

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