

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. 2009-28765
Issue No. 1038
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
August 12, 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; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on August 12, 2009 and claimant was not represented. Gregory Posey, FIM, appeared on behalf of the department.

ISSUE

Whether the Department properly closed claimant's Family Independence Program (FIP) benefits case and imposed a 3 month noncompliance penalty for claimant's FIP and Food Assistance Program (FAP) benefits.

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 an ongoing recipient of FIP and FAP benefits in a household of 2 persons.

2. The Department testified that the Work First/JET program requested a triage meeting because claimant was not attending the program.
3. Departments exhibits conflict as to when the non-attendance occurred.
(Department Exhibits 1 and 2)
4. The department scheduled a triage meeting for May 5, 2009 to determine if there was good cause for claimant's noncompliance with employment and/or Work First/JET activities. (Department Exhibit p.1)
5. The department closed the FIP benefits case on May 9, 2009 and imposed a 3 month noncompliance sanction on claimants FIP and FAP benefits. (Department Exhibit 3)
6. Claimant requested a hearing contesting the closure on June 23, 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). If a customer is found in noncompliance with FIP when they are also a recipient of FAP, their FAP case will also be penalized for a minimum of three months under the JET program. PEM 233(b); 42 USC 607. 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 230(a), PEM 230(b); 7 CFR Parts 272 and 273.

In the present case, the department testified that the Work First/JET program requested a triage meeting due to claimant's nonattendance. The department representative at the hearing did not know the date of nonattendance/noncompliance. The department's exhibits conflict as to when the claimant was not attending Work First/JET. The Notice of Noncompliance indicates that claimant was noncompliant by failing to attend work first in January 2009. Department Exhibit 1. However, the Good Cause Determination indicates a March 2009 date of noncompliance or voluntary quit. There was no documentation submitted or representative present from the Work First/JET program. The department has not provided sufficient proof of when claimant was not attending Work First/JET for a determination of noncompliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department failed to provide sufficient evidence of when claimant was not attending Work First/JET for a determination of noncompliance.

Accordingly, the department's FIP determination is REVERSED. Therefore, it is ORDERED that the department reinstate claimants FIP benefits retroactive to the closure date of May 9, 2009. It is further ORDERED that the 3 month sanction be removed from claimant's FIP and FAP cases in accordance with this Decision.

Colleen Lack

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

Date Signed: 09/08/09

Date Mailed: 09/10/09

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

cc:

