

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. 2009-29542

Issue No. 1038

Case No. [REDACTED]

Load No. [REDACTED]

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. Roy Davis, FIP specialist, and Olivette Gordon, FIM, appeared on behalf of the department.

ISSUE

Whether the Department properly closed claimant's Family Independence Program (FIP) benefits case for non-compliance with Work First/JET?

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 benefits in a household of 8 persons.
2. Claimant was participating in the Work First program until she began working in August 2008.

3. Claimant reported the employment change to the Work First office, the department's change reporting call center, and left a message for her department caseworker.
4. Claimant reported back to the Work First office when her employment ended in October 2008.
5. Claimant testified that Work First was unable to correct their system information to show claimant was no longer working and directed claimant to call her department caseworker for a new referral to the program.
6. Claimant testified that she left a message for the department caseworker requesting the referral back to Work First but did not get a response.
7. The department caseworker testified he never received any messages from claimant.
8. The Work First program notified the department claimant had not participated since October 2008.
9. The department closed the FIP benefits on May 19, 2009 for non-participation in the Work First program.
10. Claimant requested a hearing contesting the denial on July 9, 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 participating in the Work First/JET program. Claimant testified that she worked from [REDACTED] to [REDACTED] and reported the employment changes to the department's change reporting call center, the Work First office, and left messages for the department caseworker. Claimant testified that the Work

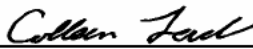
First office was unable to change the information on their system to reflect claimant was no longer working and requested claimant contact her department caseworker for another referral to the program. Claimant testified that she never got a response to the message she left for her department worker requesting the referral.

Based upon the foregoing facts and relevant law, it is found that the denial of claimants FIP benefits for noncompliance with Work First/JET was in error. Claimant provided credible testimony that she reported the employment changes to the department's change reporting call center, the Work First office, and left messages left for the department caseworker. Claimant did attempt to return to the Work First program when her employment ended, but needed a new referral from her department caseworker. Accordingly, claimant has shown good cause for non-participation in the Work First program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that claimant had good cause for not participating in the Work First program after her employment ended in October 2008.

Accordingly, the department's FIP determination is REVERSED. Therefore, it is ORDERED that the department reinstate claimant's FIP benefits retroactive to the closure date of May 19, 2009 and refer claimant back to the Work First/JET program in accordance with this Decision.



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

Date Signed: 09/10/09

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:

