

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.: 2009-31741

Issue No.: 1005

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

September 3, 2009

Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 September 3, 2009 claimant was present and testified, [REDACTED] FIS appeared for the department and testified.

ISSUE

Did the Department properly close claimant's FIP benefits 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. A Work First/Jobs, Education and Training Appointment Notice was sent to claimant on October 15, 2008 with a October 21, 2008 appointment date.

3. The Department issued a Notice of Noncompliance for failing to appear at the October 21 appointment on January 8, 2009 indicating a triage appointment was scheduled for January 18, 2009.
4. A good cause determination was sent to claimant on February 3, 2009 finding that no good cause was found because claimant was a “no show”.
5. Claimant’s FIP benefits were closed as of March 1, 2009.
6. Claimant requested a hearing contesting the closure of FIP on March 3, 2009.
7. Claimant did not receive the October 15, 2008 appointment notice, the January 8, 2009 notice of noncompliance, or the February 3, 2009 good cause determination.
8. Claimant tried to contact [REDACTED], the supervisor [REDACTED] and the [REDACTED] DHS office by telephone but was unable to reach anyone.
9. Claimant reapplied and is currently receiving FIP benefits.

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 testified that she did not receive any of the notices regarding her Work First/ JET appointment, her alleged noncompliance or the triage meeting. Claimant testified that she contacted specific workers from the department on several occasions in an effort to comply with her requirements. This Administrative Law Judge finds claimant's testimony credible and finds that good cause does exist for claimant's noncompliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's FIP benefits case.

Accordingly, the Department's eligibility determination is REVERSED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/11/09

Date Mailed: 09/11/09

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.

AM/jlg

cc:

