

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: 2009-34007

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 30, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on September 30, 2009. The Claimant appeared and testified. Joyce Henry, Case Manager, Steve Caumartin, Oak Park Career Center Representative and Willard Anzaldi, JET Coordinator appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's Family Independence Program ("FIP") benefits case effective 8/1/09 for a failure to comply with Work First requirements?

FINDINGS OF FACT

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

1. Claimant was an active FIP recipient who was referred to JET.
2. The Department witnesses testified to the following noncompliance with JET:
 - a. 6/8/09 – arrived on time, but punched out early.

- b. 6/10/09 – punched in at 1:18
- c. 6/11/09 – Absent
- d. 6/15/09 – punched in at 1:16
- e. 6/16/09 – punched in at 1:12

(Exhibit 2).

3. On 7/7/09, the Department held a triage for noncompliance. No good cause was found.

4. Claimant signed a compliance form beginning 7/13/09 agreeing to “return to Oak Park Career Center 1 p.m. to 3 p.m. with no further unexcused late or absences.”

(Exhibit 1, p. 4).

5. The Department witnesses testified to the following noncompliance with JET:

- a. 7/13/09 – arrived on time
- b. 7/14/09 – arrived at 1:04
- c. 7/14/09 – arrived at 1:04 with a male friend. After male friend was instructed to leave, Claimant left at 1:55 and returned at 2:50 to punch out at 3:00 p.m.
- d. 7/16/09 – Claimant came in on time, but then left to go to Job Services; however, did not appear at Job Services.
- e. 7/17/09 – Claimant did not come in or call.

(Exhibit 2).

6. Claimant’s FIP benefits were terminated effective 8/1/09 due to noncompliance.

7. On 8/6/09, Claimant submitted a DHS 54A, Medical Needs Form, signed by her doctor. The Form indicates that Claimant can work at her usual occupation with normal breaks. (Exhibit 1, p. 6).

8. On August 6, 2009, the Department received the Claimant’s written hearing request.

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 (formerly known as the Family Independence Agency) 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).

Federal and State laws require each work eligible individual in a 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. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. PEM 233A at 4. Good cause includes the following:

1. Client is employed 40 hours per week and earning minimum wage;
2. Client is physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information;
3. Illness or injury for client or family member;
4. Failure by the Department to make reasonable accommodation for Client's disability;
5. No appropriate, suitable, affordable and reasonably close child care;
6. No transportation;

7. Unplanned event such as domestic violence, health or safety risk, religion, homelessness, jail or hospitalization;
8. Long commute.

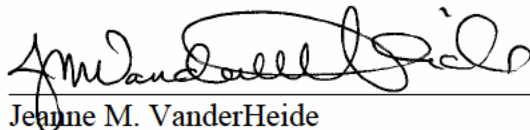
PEM 233A, pp. 3-4.

In present case, Claimant testified that she was sick a lot from morning sickness and another two days were missed due to her car breaking down. Claimant also testified that she did believe that being late a couple minutes here and there was not a big deal. Furthermore, Claimant continued to be late even after she had a triage and agreed to attend the career center from 1-3 p.m. daily and not be late. This Administrative Law Judge finds that Claimant did not provide any testimony or evidence that would provide good cause for her noncompliance with JET. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is upheld.

Accordingly, it is ordered that the Department's 8/1/09 closure of FIP benefits for noncompliance is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/02/09

Date Mailed: 11/09/09

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.

JV/dj

cc:

