

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: 2009-34008
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. Benjamin Smith, 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 terminated Claimant's FIP benefits on 7/15/09 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 Work First.

2. On 6/9/09, Claimant and the Department had a progress triage where Claimant agreed to commit to 5-10 hours per week at the career center and 30+ hours of job search per week. (Exhibit 6).
3. A second triage was held on 7/15/09. (Exhibit 5).
4. The Career Center Coordinator testified that Claimant was in noncompliance due to lack of job search hours prior to the 6/9/09 triage and for failure to turn in wage verifications for part time job following the 7/15/09 triage. (Exhibit 4).
5. Claimant testified that her mother was diagnosed with blood cancer and Claimant was spending time assisting her mother (i.e., driving to doctor appointments, cleaning mother's house and cooking mother food).
6. Claimant further testified that she was having some difficulty getting paid from her part time job.
7. No good cause was found at the 7/15/09 triage and as a result, Claimant's FIP benefits were terminated on 7/15/09.
8. On August 13, 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. Furthermore, it is understood that a client's participation in an unpaid work activity may be interrupted by occasional illness or unavoidable event. Absences may be excused up to 16 hours in a month but no more than 80 hours in a 12-month period. PEM 230A, p. 21.

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. Illness or injury for Client or family member is described further in BEM 230A where policy states that a spouse or parent who provides care for a spouse or child with disabilities living in the home should not be referred to JET. This requires that a doctor verify all of the following in writing:

1. The spouse/child with disabilities requires a caretaker.
2. The spouse/parent is needed in the home to provide care.
3. The spouse/parent cannot engage in an employment-related activity due to the extent of care required.

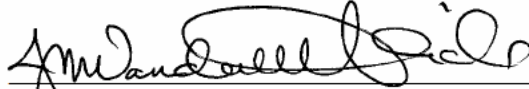
BEM 230A, p. 18.

In present case, Claimant testified that her mother, for whom she was providing care, lives in another house and another city. Claimant further testified that she did not have any documentation from her mother's physician requiring that in home care be provided. The Administrative Law Judge sympathizes with Claimant and her desire to provide help to her sick mother; however, finds that the mother does not qualify as a spouse or child with disabilities who requires in home care. Furthermore, Claimant did not provide any valid reason for not submitting an employment verification signed by the employer. Accordingly, based upon the foregoing facts and relevant law, it is found that no good cause existed for Claimant's noncompliance and 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 to close Claimant's FIP case effective 7/15/09 is upheld.

Accordingly, it is ordered that the 7/15/09 FIP closure is AFFIRMED.



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

Date Signed: 10/29/09

Date Mailed: 10/30/09

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:

