

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: 2009-34010  
Issue No: 1013  
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. Banina Narougy, 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 denied Claimant's FIP case application on 4/8/09 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 applied for FIP benefits on 3/23/09 and was referred to Work First.
2. The Career Center Coordinator testified as to Claimant's participation as follows:
  - a. 3/23/09 – Claimant attended orientation

- b. 3/25/09 – Called in sick, no medical verification provided
  - c. 4/3/09 – No show/call – Claimant had cold
  - d. 4/6/09 – 20 minutes late
3. As a result, Claimant’s FIP application was denied on 4/17/09.
  4. On April 17, 2009, the Department received the Claimant’s written hearing request.
  5. Claimant reapplied for FIP benefits and was approved on 6/1/09.
  6. Claimant is currently employed.

#### 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.

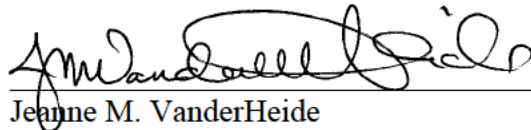
In present case, Claimant testified that she was sick two days. These two days should have been excused. In addition, Claimant was twenty minutes late one day because it had snowed and Claimant did not want to walk a mile in the snow so she had to wait for a ride. Claimant is allowed two unexcused absences monthly, not to exceed 80 hours per year. The Administrative Law Judge finds that Claimant's absences were not excessive. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

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 4/17/09 is not upheld.

Accordingly, it is ORDERED:

1. The Department's decision to close Claimant's FIP case is Reversed; and
2. The Department shall reopen Claimant's FIP case from the date of closure, 4/17/09, and the Department shall supplement the Claimant with any lost benefits she was otherwise entitled to receive.



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

Date Signed: 10/26/09

Date Mailed: 10/28/09

**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:

