

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: 2009-34298
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 1, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 1, 2009. Claimant appeared and testified. Mike Conrod, FIM, and Judyth Porter, CM, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (DHS) properly close claimant's Family Independence Program (FIP) benefits case for noncompliance with employment related activities?

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 who participated in the JET program at Michigan Works.

(2) On May 27, 2009, claimant turned in a Work Experience Verification Form indicating she would be performing housekeeping and cleaning on average 28 hours a week for [REDACTED] (Department Exhibit 1, pgs. 3-4)

(3) The parties disagree as to whether claimant would submit time card sheets to track her hours or if Michigan Works was going to call [REDACTED] every two weeks to verify claimant's hours.

(4) Michigan Works notes indicate claimant did not submit time card sheets, and she was considered to have missed assignments for the weeks of June 21, 2009, June 28, 2009, July 5, 2009 and July 12, 2009. (Department Exhibit 1, pg. 3)

(5) On August 18, 2009, the department issued a Notice of Noncompliance indicating that a meeting was scheduled for August 27, 2009 to discuss the case and that unless claimant verified good cause for the noncompliance, her FIP case would close August 28, 2009. (Department Exhibit 1, pg. 9)

(6) On August 18, 2009, the department also issued an Appointment Notice regarding the August 27, 2009 triage meeting. (Department Exhibit 1, pg. 10)

(7) Claimant requested a hearing contesting the proposed closure on August 25, 2009.

(8) Claimant did not call or show for the August 27, 2009 triage meeting to verify good cause for the noncompliance with the employment-related activities.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manuals.

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. BEM 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. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM Manual Item 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. BEM Manual Item 233(a). If a customer is found in noncompliance with FIP when they are also a recipient of FAP, their FAP case will also be penalized for a minimum of three months under the JET program. BEM Manual Item 233(b); 42 USC 607. 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. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant was participating in the JET program through Michigan Works. On May 27, 2009, she submitted a Work Experience Verification form indicating she would be performing housekeeping and cleaning on average 28 hours a week for [REDACTED]. (Department Exhibit 1, pgs. 3-4) However, claimant testified that for her work experience she helped with cleaning, laundry, dishes and other household chores at the home of [REDACTED] grandmother.

Claimant testified that [REDACTED] at Michigan Works told her he would call [REDACTED] every two weeks to verify her hours and did not indicate she needed to submit time cards. Claimant further testified that [REDACTED] moved and her phone number changed. However the May 27, 2009 Michigan Works case note from [REDACTED] indicates that claimant was to submit time card sheets to track her hours. (Department Exhibit 1, pg. 4)

The hearing record was left open until October 12, 2009 for claimant to submit verification of her participation in the Work Experience. The department faxed nine total pages to this ALJ, including a letter from [REDACTED] stating that claimant showed up the weeks of June 21, 2009, June 28, 2009, July 5, 2009 and July 12, 2009 to mop, sweep, vacuum, clean the bathroom, do dishes and perform other household chores for her while she took care of her sick grandmother. (Department Exhibit 2, pg. 5) However, this statement does not indicate how many hours a week claimant performed these activities or where she showed up to. The department has also submitted a Michigan Works letter from [REDACTED] addressed to JET participant indicating that once a JET participant is in a community service assignment, the JET participant is responsible for submitting a weekly time card. (Department Exhibit 2, pg. 8)

Claimant has submitted documentation that she performed some work experience activities. However, compliance with the JET program required more than participation in the work experience activity, claimant was also required her to verify her hours with Michigan

Works. Claimant's testimony that [REDACTED] at Michigan Works was going to call [REDACTED] every two weeks to verify the participation hours is not supported by the written documentation in the case record. [REDACTED] case note and the Michigan Works letter both indicate that claimant was required to submit weekly time card forms.

Based upon the foregoing facts and relevant law, it is found that the claimant has not documented good cause for noncompliance with employment-related activities. Therefore, the department properly closed claimant's FIP benefits for noncompliance with work activities.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has not documented good cause for the noncompliance with required work activities and therefore the department properly closed the FIP benefits.

Accordingly, the Department's FIP eligibility determination is **AFFIRMED**.

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

Date Signed: October 20, 2009

Date Mailed: October 21, 2009

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 mailing date of the rehearing decision.

CL/cv

cc:

