

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: 2009-34683

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 6, 2009

Saginaw 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 6, 2009. Claimant appeared and testified. Sharon Alger, Case Manager, appeared on behalf of the department. Gerrard Johnson, Job Search Supervisor, appeared on behalf of Michigan Works.

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.
- (2) On November 6, 2008, the Medical Review Team reviewed claimant's case and determined that claimant was "not disabled- work ready". (Exhibit D)
- (3) Claimant had been participating in the JET program until there was an issue regarding turning in job search logs.
- (4) At an August 6, 2009 triage meeting, claimant signed a First Noncompliance Letter agreeing she had been noncompliant without good cause. Claimant further agreed to participate in 40 hours of activities as assigned by Work First between August 10, 2009 and August 18, 2009. (Exhibit C)
- (5) Claimant was also given a Notice of Job Search to attend to Michigan Works/JET on August 10, 2009, from 9:00 am to 4:30 pm. (Exhibit A)
- (6) On August 10, 2009, claimant participated in the employment-related activities in the morning by beginning the Work Keys Testing. (Exhibit B)
- (7) Claimant did not complete the testing in the afternoon because she went home over the lunch break and called in reporting that she had a flat tire on the way back. (Exhibit B)
- (8) The department requested that claimant provide some documentation of the emergency, even a statement from her father whom claimant reported came and helped her with the flat tire. (Exhibit B)
- (9) Claimant did not provide any documentation of the emergency and on August 12, 2009 the department issued notice that the FIP benefits would close September 1, 2009.
- (10) Claimant filed a Hearing Request to contest the closure on August 20, 2009.

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, Energy 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 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. PEM 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. PEM 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. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, there had been a compliance issue regarding claimant's submission of job search logs. Claimant attended a July 2, 2009 triage meeting and signed a First Noncompliance Letter agreeing she had been noncompliant without good cause and further agreed to participate in 40 hours of activities as assigned by Work First between August 10, 2009 and August 18, 2009. (Exhibit C) Claimant was also given a Notice of Job Search to attend to Michigan Works/JET on August 10, 2009, from 9:00 am to 4:30 pm. (Exhibit A)

On August 10, 2009, claimant participated in the employment-related activities in the morning by beginning the Work Keys Testing. (Exhibit B) Claimant did not complete the testing in the afternoon because she went home over the lunch break and called in to report that she had a flat tire on the way back. (Exhibit B) The department requested that claimant provide some documentation of the emergency, even a statement from her father whom claimant reported came and helped her with the flat tire. (Exhibit B)

Claimant testified that her department case manager instructed her to bring in documentation of the flat tire. Claimant testified she did not remember to bring in a statement or any other documentation of the emergency to the department. Claimant did not submit any documentation with her hearing request and did not bring any proof to the hearing.

Claimant further testified that she suffers from a number of physical and mental conditions which affect her memory and ability to remember and follow up with these types of things. However, claimant's medical records were submitted to the Medical Review Team (MRT) for an assessment of claimant's ability to participate in the JET program. On November 6, 2008 the MRT issued a determination that claimant was not disabled and was work ready. (Exhibit D)

Based upon the foregoing facts and relevant law, it is found that the claimant has not documented good cause for noncompliance with work-related activities. The MRT determined claimant was not disabled and was work ready. Claimant was instructed that documentation of her emergency was needed but has not provided any such proof.

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 10, 2009

Date Mailed: October 12, 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:

