

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: 2009-4588

Issue No: 1013

Case No:

[REDACTED]

Hearing Date:

December 17, 2008

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on December 17, 2008. The Claimant appeared, along [REDACTED]

ISSUE

Whether the Department properly terminated the Claimant's FIP benefits based the Claimant's failure to comply with the Jobs, Education, and Training (JET") program requirements.

FINDINGS OF FACT

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

1. The Claimant was a FIP recipient.

2. On February 25, 2008, the Claimant completed the JET orientation as required but failed to continue participation thereafter. (Exhibit 2)

3. The Claimant was re-referred to the JET program for April 28, 2008. (Exhibit 1)

4. The Claimant failed to call or otherwise attend the JET program.

5. The Claimant's son had eye surgery on May 9, 2008. (Exhibit 5, 6)

6. The Department was notified of the Claimant's non-compliance resulting in the scheduling of a triage for August 28, 2008. (Exhibit 3)

7. The Department pended the Claimant's case for closure effective September 3, 2008.

8. The Claimant attended the triage and stated that her son had eye surgery in mid-April thus she was unable to attend the JET program.

9. The Department determined that good cause was not established for the Claimant's failure to comply with the JET requirements. (Exhibit 4)

10. On November 7, 2008, the Department received the Claimant's written request for hearing protesting the termination of her cash assistance benefits. (Exhibit 7)

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 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).

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. PEM 233A, p. 1 The Family Self-Sufficiency Plan (“FSSP”) was created to allow DHS and other DHS client service providers to share information about mutual clients for optimal case management. PEM 228, p. 1 The FSSP seeks to assist clients to achieve self-sufficiency, whenever possible, by identifying and removing barriers. PEM 228, p. 1 All Work Eligible Individuals (“WEI”) are required to participate in the development of FSSP unless good cause exists. PEM 228, p. 1 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related activities. PEM 233A, p. 1 The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program (“JET”) or other employment service provider. PEM 233A, p. 1 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, p. 3 Failure to comply without good cause results in FIP closure. PEM 233A, p. 5 The first and second occurrences of non-compliance results in a 3 month FIP closure. PEM 233A, pp. 5-6

In the record presented, the Claimant was required to participate in the JET program. The Claimant attended an orientation in February of 2008, but failed to participate further. The Claimant was re-referred to the JET program on April 28, 2008 but failed to call or attend. Subsequently, during the triage, the Claimant stated she was unable to participate due to her son’s eye surgery in mid-April. The submitted medical documentation reflects the son’s surgery was on May 9, 2008 thus after the non-compliance. Ultimately, the Department established it acted in accordance with department policy when it terminated the Claimant’s FIP benefits for JET non-compliance without good cause. Accordingly, the Department’s negative action is **AFFIRMED**.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with department policy when it closed the Claimant's benefit case.

Accordingly, it is Ordered:

1. The Department's determination to terminate the Claimant's FIP benefits is AFFIRMED.
2. A 3-month FIP sanction is imposed from the date of closure based upon the JET non-compliance.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/22/08

Date Mailed: 01/06/09

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 receipt 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.

CMM

