

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.: 2009-5121

Issue No.: 1005

Case No. [REDACTED]

Load No. [REDACTED]

Hearing Date:

January 28, 2009

Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on January 28, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP)?

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 is a FIP recipient.
2. On October 14, 2008, the Claimant notified the Department that she was no longer working due to medical reasons.

3. The Department, through a collateral contact with the previous employer, verified good cause.

4. On October 31, 2008, the Department sent the Claimant a notice of Jobs, Education and Training (JET) assignment. (Department Exhibit 7).

5. On November 10, 2008, the Department sent the Claimant a notice of JET noncompliance. (Department Exhibit 8).

6. On November 13, 2008, the Department scheduled a triage. The Claimant failed to attend and the Department found no good cause. (Department Exhibit 10).

7. On November 18, 2008, the Claimant filed a request for a hearing.

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).

NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. **Noncompliance** of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Do not apply the three or 12 month penalty to ineligible caretakers, clients deferred for lack of child care (DC) and disqualified aliens. Failure to complete a FAST or FSSP results in closure due to

failure to provide requested verification. Clients can reapply at any time.

Failing or refusing to:

- . Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
- . Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.

FIS should clear the FAST Fall Out Report and any FAST confirmation information the client has obtained before considering a client noncompliant for FAST noncompletion.

- . Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).

FIS must have scheduled a FSSP completion appointment with the client and the client failed to attend before considering a client noncompliant for FSSP noncompletion.

- . Comply with activities assigned on the Family Self Sufficiency Plan (FSSP).
- . Provide legitimate documentation of work participation.
- . Appear for a scheduled appointment or meeting related to assigned activities.
- . Participate in employment and/or self-sufficiency-related activities.
- . Accept a job referral.
- . Complete a job application.
- . Appear for a job interview (see the exception below).
 - . Stating orally or in writing a definite intent not to comply with program requirements.
 - . Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/ or self-sufficiency-related activity.

- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. (PEM233A, pp. 1-2).

In the instant case, the Claimant supplied the Department with documentation that she was taken off her previous job for seizure evaluation on or about [REDACTED]. This Medical needs form was not received by the Department until December 23, 2008, when it was faxed to the Department.

At a November 24, 2008 pre-hearing conference, the Department informed the Claimant that if she could provide evidence that she had been “taken off” her job as early as [REDACTED] [REDACTED] for medical reasons it would find good cause for her lack of attendance at JET.

Although the information was faxed to the Department after it had moved to close the Claimant’s FIP, the information was eventually supplied as requested by the Department. The Claimant was unable to get her physician to supply the necessary documentation until the later date.

The Department now having the evidence admits good cause existed.

GOOD CAUSE FOR NONCOMPLIANCE

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. A claim of good cause must be verified and documented for applicants, member adds and recipients. (PEM 233A, p. 3).

The Claimant’s need for seizure evaluation as documented on the medical needs form constitutes good cause. The Department is free to reassign the Claimant to JET now that her evaluation is complete.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department accept the documentation as proof of good cause.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 4, 2009

Date Mailed: March 9, 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 receipt date of the rehearing decision.

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