

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: 2009-5734

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 2, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on February 2, 2009. Claimant and his wife personally appeared and testified.

ISSUE

Did the Department act properly in sanctioning Claimant by closing his Family Independence Program (FIP) case for three months due to failure to attend the Jobs, Education and Training (JET) program?

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 is a FIP recipient and his FIP case includes his wife.
- (2) Claimant's wife failed to attend JET appointments on [REDACTED],

[REDACTED] (Exhibit A).

(3) On October 31, 2008, the Department informed Claimant that a triage meeting had been scheduled for [REDACTED] am “to give you an opportunity to report and verify you reasons for non-compliance” by failing to attend JET on [REDACTED].

(4) Claimant called the Department worker and asked that the meeting be changed to [REDACTED]. The Department worker complied with the Claimant’s request and the meeting was rescheduled to 3:00 pm.

(5) Claimant’s wife contended at the triage meeting that she failed to attend JET on [REDACTED] because her son became ill while at school and, therefore, she had to go to the school to get him.

(6) At this hearing, Claimant’s wife contended that she failed to attend JET on [REDACTED] due to a job interview and that on [REDACTED], she had to pick up her son from school due to the child’s illness.

(7) Claimant did not provide the Department with documentation that she picked up her son from school or that she had attend a job interview at the times that she was required to attend JET.

(8) Claimant also failed to timely submit her required JET paperwork and therefore did not receive credit for [REDACTED].

(9) Claimant was unaware that she would have gotten credit for [REDACTED] if she had turned in her paperwork by [REDACTED].

(10) Claimant’s wife received a prior non-compliance for without establishing good cause on September 12, 2008. (Exhibit D).

(11) Claimant disagreed with the Department’s determination on the grounds that she had not received proper training in JET rules and had to attend a job interview and pick her son up from school on the days that she missed JET appointments.

(12) The Department received the hearing request on November 24, 2008.

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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

FIP, RAP Cash

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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, pg. 1)

NONCOMPLIANCE PENALTIES FOR ACTIVE FIP CASES AND MEMBER ADDS

The penalty for noncompliance without good cause is FIP closure. Effective April 1, 2007, the following minimum penalties apply:

- For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in First Case Noncompliance Without Loss of Benefits below.
- For the second occurrence on the FIP case, close the FIP for not less than three calendar months.
- For the third and subsequent occurrence on the FIP case, close the FIP for not less than 12 calendar months. (PEM 233A, pg. 6)

Under PEM 233A, the penalty for a second occurrence of noncompliance on an FIP case is closure for not less than three calendar months. In this case, it is found that Claimant's wife did not comply with JET and did not establish good cause for the noncompliance. She offered no documentation that she had to remove her child from school due to illness or that she attended an interview at the times that she was to report to JET on [REDACTED]. Therefore, the Department properly sanctioned Claimant by closing Claimant's FIP case for three months.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly sanctioned Claimant by closing the FIP case for three months due to his wife's failure to attend JET without good cause.

Accordingly, the Department's action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 6, 2009

Date Mailed: February 27, 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 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.

TLW

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cc:

