

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: 2009-8834
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 19, 2009
Clare County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an EXPEDITED In-Person hearing was held on February 19, 2009 in Harrison, Michigan. Claimant personally appeared and testified under oath.

The department was represented by Scott Smith (FIM) and Nancy Jackson (FIS)/JET case manager.

ISSUE

Did the department correctly sanction claimant's FIP case on December 9, 2008 due to claimant's husband's failure to comply with his JET/Work First assignment on December 1, 2008?

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 and her husband are FIP recipients (group size equals five). Claimant and her family live in Clare. Clare is five miles from Harrison. Claimant's FIP grant is currently \$694 per month.

(2) All adult, able-body FIP recipients are required to participate in Work First, as a condition of FIP eligibility, if they are not otherwise employed.

(3) In December 2008, claimant and [REDACTED] were not employed.

(4) [REDACTED] was deferred from Work First participation, for medical reasons, between August 25 and November 24, 2008.

(5) On November 24, 2008, the JET caseworker assigned [REDACTED] to attend a Work First orientation on December 1, 2008 in Harrison.

(6) [REDACTED] received his Work First orientation notice, but did not attend the December 1 appointment because the bus between Clare and Harrison was cancelled.

(7) [REDACTED] called Work First, on December 1, to advise them he would not attend the December 1 Work First orientation in Harrison.

(8) [REDACTED] did not call the JET caseworker on December 1 to notify her that he would not attend his Work First assignment in Harrison on December 1, as scheduled.

(9) On December 1, 2008, the JET caseworker sent a FIP closure notice to claimant based on [REDACTED] noncompliance with his Work First orientation assignment.

(10) On or about December 15, 2008, claimant called her JET caseworker to report that [REDACTED] missed his December 1, Work First orientation due to cancellation of the bus.

(11) [REDACTED] did not call his JET caseworker on December 1, 2008 to request that his Work First orientation be rescheduled due to transportation problems, because he did not think

he was required to call his JET caseworker when he failed to appear for a Work First assignment.

██████████ thought a call to Work First was sufficient when he was going to be absent.

(12) The JET caseworker declined to reschedule ██████████ for his Work First orientation for three reasons: (a) Claimant previously used her only compliance test in another matter (Reg. No. 2009-2750); (b) ██████████ did not call the JET caseworker on December 1, to timely request a rescheduled Work First orientation date; (c) When claimant called on December 15, on ██████████ behalf, to reschedule, her FIP case was closed.

(13) On January 17, 2008, claimant requested a hearing. The FIP closure was pended based on claimant's timely hearing request, and claimant's FIP benefits are currently ongoing.

(14) Claimant thinks that the JET caseworker refusal to reschedule ██████████ for a MOST orientation appointment, based on her December 15 request, is an arbitrary and capricious action.

(15) Claimant received her one and only compliance test on October 9, 2008. See Register No. 2009-2750, which was heard on February 19, 2009 regarding this issue.

CONCLUSIONS OF LAW

The department has the following policies with regard to employment requirements for FIP recipients. The department's policy for the FIP program reads in pertinent part:

DHS requires clients to participate in employment-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate in employment-related activities, or refuses to accept employment, without good cause. PEM 233A.

Clare County JET Policy:

The local office correctly applied JET policy for Clare County. Clare County JET policy requires FIP recipients to participate in Work First as a condition of ongoing eligibility for FIP benefits. See PEM 229, 230A, 233A, 233B, and PAM 220.

The preponderance of the evidence in the record shows that the JET caseworker properly assigned [REDACTED] to attend Work First on December 1, 2008.

The preponderance of the evidence in the record shows that [REDACTED] failed to appear for his Work First assignment on December 1, 2008, as scheduled.

Claimant thinks that she has established good cause because the bus that runs between Clare and Harrison did not run on December 1, 2008. Claimant thinks she has established good cause also, because [REDACTED] called Work First on December 1 and the claimant called the JET caseworker on December 15, asking that [REDACTED] be rescheduled.

The department thinks that claimant and Mr. Pore were not entitled to a rescheduled Work First orientation for [REDACTED] because [REDACTED] did not timely report his absence to the JET caseworker and did not request rescheduling in a timely fashion, before claimant's FIP case was closed.

Since [REDACTED] did not complete his Work First assignment, as required, the JET caseworker correctly placed a JET sanction on claimant's FIP case on December 1, 2008.

Based on this analysis, the JET caseworker correctly sanctioned claimant's FIP due to claimant's husband's failure to comply with his Work First assignment on December 1, 2008. Furthermore, claimant did not timely provide a good cause reason for [REDACTED] failure to comply with his Work First assignment to the JET caseworker as required.

After careful review of the entire record, the Administrative Law Judge concludes there is no evidence of arbitrary or capricious action by the department in sanctioning claimant's FIP case due to [REDACTED] noncompliance on December 1, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's JET case worker correctly sanctioned claimant's FIP due to Mr. Pore's noncompliance with his Work First assignment.

Accordingly, the department's action is, hereby, **AFFIRMED**.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 24, 2009

Date Mailed: February 24, 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.

JWS/tg

2009-8834/jws

cc:

