

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: 2009-13599

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 8, 2009

Calhoun 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 April 8, 2009. Claimant personally appeared and testified. A Work First site supervisor and career income advisor from the [REDACTED] Work First site in Calhoun County personally appeared and testified. The Department was represented by a family independence manager and a family resource center case manager.

ISSUE

Did the Department properly determine that Claimant's Family Independence Program (FIP) case should be closed on the grounds that she failed to comply with the Jobs, Education and Training (JET) program requirements without good cause?

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. She receives \$492 in monthly FIP benefits.

- (2) On December 30, 2008, Claimant received a notice from the [REDACTED] JET Program serving Calhoun County. (Exhibit 1). The notice stated that Claimant was being “triated for lack of job search/no participation in required activity and excess of unexcused absences.” (Exhibit 1).
- (3) A triage meeting was scheduled for January 15, 2009 at [REDACTED] at the [REDACTED] Work First office.
- (4) The Department found at the meeting that Claimant had not established good cause for failing to comply with JET requirements.
- (5) On January 15, 2009, Claimant was given a First Noncompliance Letter, DHS-754. (Exhibit 3). Claimant also was told at the triage meeting that she needed to comply with Work First/JET requirements by completing 20 hours of “activities for assigned” by January 27, 2009. (Exhibit 3).
- (6) Claimant called her Work First/JET worker several times before January 27, 2009 to get clarification on what requirements she needed to satisfy to be in compliance.
- (7) Claimant’s Work First/JET worker explained the requirements and told her to complete 20 hours of assigned activities, submit proof of 10 job search activities, and the First Noncompliance Letter, the DHS-754 by January 27, 2009.
- (8) On January 26, 2009, Claimant provided paycheck stubs, proof of completing 20 hours of activities and 10 job search activities but did not provide her Work First/JET worker with the First Noncompliance Letter for the worker’s signature.
- (9) Consequently, Claimant’s Work First/JET worker was not provided with a signed copy of the First Noncompliance Letter to sign by January 27, 2009.

- (10) On January 28, 2009, a day after the deadline, Claimant provided the Department worker with a copy of the DHS-754 that was not signed by her Work First/JET worker.
- (11) The Department worker closed Claimant's case for failure to comply with Work First/JET because she did not timely provide a signed copy of the First Noncompliance Letter as she was instructed to do during her triage meeting.
- (12) Claimant asserted at the hearing that she did not submit the First Noncompliance Letter to her Work First/JET worker because she forgot to do so and had left the letter at home when she turned in the other documentation.
- (13) The Department timely received Claimant's hearing request on February 3, 2009. (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 (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. (BEM 233A).

### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

#### **Responsibility to Cooperate All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (BAM 105)

#### **Refusal to Cooperate Penalties**

##### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105)

In this case, Claimant had been given an opportunity to comply with Work First/JET requirements because this was her first noncompliance. Claimant's Department worker and her Work First/JET worker had explained to Claimant what she needed to do to be found in compliance. Claimant failed to do so when she did not provide the First Noncompliance Letter to her Work First/JET worker. The fact that Claimant forgot to give the First Noncompliance

Letter to her Work First/JET worker did not absolve her of the responsibility to do so. Consequently, it is found that the Department acted properly in determining to close her FIP case. The Department suspended the action when she timely filed a hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly in determining to sanction Claimant for her first noncompliance by closing her FIP case.

Accordingly, the Department's action is AFFIRMED.

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

Date Signed: 04/14/09

Date Mailed: 04/15/09

**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 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.

TW/dj

cc:

[REDACTED]