

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: 2009-14243

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 13, 2009

Berrien 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 13, 2009. Claimant personally appeared and testified. A Work First/JET career developer personally appeared and testified. The Department was represented by a family independence 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) Claimant was required to attend [REDACTED] JET. (Exhibit 1, pg 4).

- (3) On January 20, 2009, the Department sent Claimant a Notice of Noncompliance because she had not reported to her JET appointments since December 16, 2008. (Exhibit 2).
- (4) Claimant failed to report to JET on December 16, 18, 23, and 30, 2008 and January 6 and 8, 2009. Claimant contends that a Department worker told her that she did not have to attend JET because [REDACTED] employees would be on vacation for three weeks in December 2008.
- (5) The Notice of Noncompliance also informed Claimant that a triage meeting was scheduled for January 28, 2009 at 1:45 pm at the Department's [REDACTED] [REDACTED] (Exhibit 2).
- (6) Claimant attended the triage where she provided medical documentation for her absences on December 18, 2008 and January 6, 2009. (Exhibits 9 and 11). The Department found no good cause for her failure to attend JET and offered her the opportunity to do a compliance test. (Exhibit 3).
- (7) Claimant agreed to complete the compliance test which required her to complete 40 hours of JET activities from February 2, 2009 through February 6, 2009. (Exhibit 5).
- (8) Claimant did not complete the compliance test.
- (9) The Department timely received Claimant's hearing request on February 9, 2009. (Exhibit 1).

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 selfsufficiency 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).

**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)

Although Claimant missed six JET appointments, she provided the Department with medical documentation for only two of her absences. Moreover, the [REDACTED] testimony that the [REDACTED] office at issue was not closed for three weeks but was only closed on Christmas Eve and Christmas and New Year's Eve and New Year's Day was credible. As a result, it is found that Claimant did not establish good cause for failing to attend JET on four occasions.

In this case, Claimant had been given an opportunity to comply with Work First/JET requirements by completing a compliance test. Claimant failed to complete the compliance test. Furthermore, at the hearing, she did not provide documentation of her need to be absent from JET during the week of the compliance test. Consequently, it is found that the Department acted properly in determining to close her FIP case for three months as a sanction for noncompliance with JET. 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 for three months.

Accordingly, the Department's action is AFFIRMED.

/s/

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

Date Signed: 04/20/09

Date Mailed: 04/22/09

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:

