

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: 2009-14969
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 15, 2009
Kalamazoo 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 15, 2009. Claimant personally appeared and testified. A Work First/JET case manager personally appeared and testified. The Department was represented by a case manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case 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 last received \$403 in monthly FIP benefits.
- (2) Claimant was required to attend Michigan Works/JET.

- (3) On January 7, 2009, the Department sent Claimant a Notice of Noncompliance, DHS-2444, which stated that she was in “noncompliance with the JET program” as of January 6, 2009. (Exhibit 4).
- (4) The Noncompliance Notice also stated that a triage appointment was scheduled for January 15, 2009 at 1:00 pm at [REDACTED].
- (5) At the triage meeting, Claimant was offered an opportunity to comply with JET by completing 40 hours of JET activities that included a computer class at [REDACTED] (Exhibit 10).
- (6) Claimant attended the computer classes and activities at [REDACTED] until shortly after February 1, 2009.
- (7) The Work First/JET representative did not sign her First Noncompliance Letter, DHS-754, because Claimant did not complete 40 hours of activities at [REDACTED] [REDACTED] to meet the compliance test.
- (8) Claimant asserted that she missed at least two appointments during the compliance test week due to illness related to her pregnancy.
- (9) The Department closed Claimant’s case on January 26, 2009 after receiving notice from the Work First/JET worker that Claimant had failed the compliance test.
- (10) Claimant disagreed with the Department’s decision to close her case for three months as a sanction for failing to comply with JET requirements. (Exhibit 6).
- (11) The Department received her hearing request on February 13, 2009. (Exhibit 1-2).

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).

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)

2009-14969/TW

TW/dj

cc:

