

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: 2009-16917
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 29, 2009
Wayne 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 29, 2009. Claimant personally appeared and testified. A Department JET case manager and a family independence manager represented the Department.

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 \$985 in monthly FIP benefits.
- (2) Claimant was required to attend Michigan Works/JET.

- (3) Claimant attended her JET orientation on January 26, 2009. The same day Claimant became ill with bronchitis and asthma.
- (4) Claimant's doctor told her not to return to work or school until February 2, 2009. (Exhibit 7). On February 2, 2009, Claimant reported to JET. Claimant, however, was still ill. She had not gotten any better despite taking medication. Consequently, Claimant's doctor told her not to return to work or school until February 23, 2009. (Exhibit 7).
- (5) On March 4, 2009, the Department sent Claimant a Notice of Noncompliance because she had not reported to her JET appointments after February 2, 2009. (Exhibit 1).
- (6) The Notice of Noncompliance also informed Claimant that a triage meeting was scheduled for March 10, 2009 at 2:20 pm at the Department's Office at [REDACTED]. (Exhibit 1).
- (7) Claimant attended the triage where she provided medical documentation for her absence from JET. (Exhibit 7).
- (8) The Department found no good cause for the noncompliance on the grounds that she did not report her absence to Work First/JET every week. (Exhibit 2). Claimant disagreed with the Department on the grounds that she reported her absence and was not told that she needed to call Work First/JET every week.
- (9) The Department timely received Claimant's hearing request on March 10, 2009.

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)

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)

Claimant's testimony that she was absent from JET due to illness was credible. In addition, it was supported by documentation from her doctor. Therefore, it is found that Claimant did not refuse to cooperate with the Department and that her absence was not in deliberate disregard of her obligation to attend JET. In addition, the evidence submitted established that Claimant contacted Work First/JET to inform the caseworker of her illness. The Department's testimony did not establish that Claimant was told to call Work First/JET every week during the period that the doctor ordered to stay home. Furthermore, no witness from Work First appeared at this hearing. It is found that the Claimant should not have been found in noncompliance with Work First/JET. Therefore, it is found that the Department improperly determined to close her FIP case on the grounds that she failed to comply with JET requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly determined to sanction Claimant for noncompliance with JET by deciding to close her FIP case.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to remove the negative action from Claimant's FIP case. If the case has already been closed, the Department is ordered to reopen the case and issue any retroactive benefits that she would have received had her case not been closed.

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

Date Signed: 05/04/09

Date Mailed: 05/06/09

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:

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