

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: 2009-19124
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 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 May 27, 2009. Claimant personally appeared and testified. A family independence specialist 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 for a group size of 10. Before her case was closed for noncompliance she received \$889 in monthly FIP benefits.

- (2) Claimant was required to attend Michigan Works/JET.
- (3) Claimant received a Work First/Jobs, Education and Training Appointment Notice, dated March 13, 2009 that informed her to attend JET at [REDACTED], I.E.S. on [REDACTED] in Detroit on Monday, [REDACTED] at 12:30 pm. (Exhibit 4).
- (4) Claimant appeared at the JET site at 12:30 pm. Her JET worker told her to leave and return with her check stubs and documentation of her mother's disability. (Claimant's mother lives with her).
- (5) Claimant complied and returned to the JET site at 1:00 pm. Claimant contends that the security guards at the JET site would not allow her to enter the building because it was 1:00 pm. Claimant returned the next day, March 24, to submit the paperwork the JET worker requested. Again, Claimant was not allowed to enter the building because her meeting notice indicated her reporting day was March 23.
- (6) The Department closed her case on March 25, 2009 for noncompliance with JET.
- (7) Claimant attended the triage where she provided medical documentation for her absence from JET. (Exhibit 7).
- (8) The Department timely received Claimant's hearing request on April 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. (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 testimony that she timely reported to JET on March 23, 2009 and was asked to leave and come back with certain documentation was credible. Moreover, the Department did not provide testimony contradicting Claimant's assertion that she returned with the documentation and was not allowed to enter the JET building. It is found that Claimant timely reported to JET on March 23, 2009 and made a reasonable attempt to comply with the JET worker's request that day. 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 reopen Claimant's FIP 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: 06/04/09

Date Mailed: 06/05/09

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.

2009-19124/TW

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:

