

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: 2009-21553
Issue No: 1012; 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 30, 2009
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on July 30, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that claimant was noncompliant for Work First/Jobs, Education and Training Program and cancel claimant's Family Independence Program benefits (FIP) and Food Assistance Program (FAP) benefits?

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 was a FIP and FAP benefits recipient.

(2) Claimant was supposed to participate in Jobs, Education and Training (JET) activities.

(3) Claimant failed to participate in JET activities for the weeks of March 15, 2009 and March 22, 2009.

(4) Claimant conceded on the record that she did not attend JET activities for the weeks of March 15, 2009 and March 22, 2009.

(5) The department caseworker sent claimant a DHS-2444, Notice of Noncompliance, with a request for a triage dated April 9, 2009 at [REDACTED].

(6) Claimant did not show up for the triage on April 9, 2009 and did not contact the department with a good cause reason for her failure to show up for the meeting.

(7) On April 9, 2009, the department caseworker sent claimant notice that her FIP case would be closed and her FAP case would be reduced based upon her noncompliance with JET activities effective April 21, 2009.

(8) On April 22, 2009, claimant filed a request for a hearing to contest the department's negative action.

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 (DHS or department) 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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Claimant testified on the record that she cannot hold down a full-time job which is not a sit down job because she has problems with her knees and claimant provided information about her medical condition in the form of letters from her doctor.

The department caseworker indicated that claimant was supposed to be doing a Job Search and she did not do it in the week of March 15, 2009. The caseworker also stated that she did not participate in the Job Search in the week of March 22, 2009.

Claimant testified on the record that she has her own craft business and she is also a process server and she is trying to get organized and she shouldn't have to go to [REDACTED] for classes for the JET program. Claimant also testified that she works volunteer 56 hours a week as an assistant at [REDACTED].

Department policy indicates that DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist clients in removing barriers to they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate without good cause. PEM, Item 233A, p. 1. A work eligible individual who fails, without good cause, to participate in

employment or self-sufficiency related activities must be penalized. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause.

1. Failing or refusing to:

- Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
- Failure to complete a Family Automated Screening Tool (FAST).
- Failure to develop a Family Self-Sufficiency Plan (FSSP).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. PEM 233A, p. 3.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. If it is determined during triage, the client has good cause and good cause issues have been resolved, send the client back to JET; do not do a new JET referral. PEM, Item 233A, pp. 3-4. Good cause includes the following:

- The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have

been identified or assessed prior to the noncompliance.

- Or Illness: The client has a debilitating illness or injury, or immediate family member illness or injury requires in-home care by the client. PEM, Item 233A, p. 4.

In the instant case, claimant conceded on the record that she did not attend JET activities in the week of March 15, 2009 and the week of March 22, 2009. Claimant testified she was sick for one entire week. However, there is no evidence in the record that claimant ever contacted the department to tell them that she was sick for an entire week and could not attend JET activities. In fact, updated case notes from JET activities indicate that claimant was participating in JET and in the week of February 23, 2009, claimant provided information to the Department of Human Services that she was employed but did not provide verification of employment. A triage was scheduled and claimant attended that triage and submitted participation by March 1, 2009 meeting her requirements. She was in contact with the JET office the week of March 17, 2009 and did not let anybody know that she was sick or otherwise not participating. In the week of March 26, 2009, claimant also had no participation proof, but told the caseworker that she would submit the proof that she had participated in the program. (Exhibit E3)

In the instance case, the department has established by the necessary, competent, material, and substantial evidence on the record that it was acting in compliance with department policy when it cancelled claimant's Family Independence Program benefits and reduced claimant's Food Assistance Program benefits based upon its determination that claimant failed to participate in JET-related activities. Claimant did establish good cause for her failure to participate in JET-related activities and did not attend the triage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that claimant failed to participate in JET-related activities and failed to participate in the triage and did not establish good cause for her failure to miss either activity.

Accordingly, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 11, 2009

Date Mailed: August 11, 2009

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.

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