

**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES  
FOR THE DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

DHS Req. No: 2009-21741  
SOAHR Docket No. 2009-25752 REHD  
Case No: [REDACTED]  
Load No: [REDACTED]

[REDACTED]  
Claimant

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**RECONSIDERATION DECISION**

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon the request of the Department.

**ISSUE**

Did the Administrative Law Judge properly determine that the Claimant had "good cause" for failure to attend the Jobs, Education and Training Program (JET) and find the department in error in placing Claimant's Family Independence Program (FIP) into negative action due to non-compliance?

**FINDINGS OF FACTS**

This Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On April 14, 2009 ALJ VanderHeide issued a Hearing Decision in which the ALJ reversed the Department of Human Services' (DHS) proposed closure of Claimant's FIP case due to noncompliance with employment related requirements (JET).
2. On May 12, 2009, the State Office of Administrative Hearings and Rules (SOAHR) for the Department of Human Services received a Request for Rehearing/Reconsideration submitted by DHS.
3. On July 13, 2009, SOAHR granted the Department's request for Rehearing/Reconsideration and issued an Order for Reconsideration.
4. Findings of Fact 1-15 from the Hearing Decision, mailed on April 15, 2009, are hereby incorporated by reference

## **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 are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (PRM).

The Family Independence Program (FIP) and Refugee Assistance Program (RAP) provide temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP and RAP engage in employment and self-sufficiency-related activities so they can become self-supporting. BEM Item 230

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.

JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth (DELEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency.

WEIs not referred to JET will participate in other activities to overcome barriers so they may eventually be referred to JET or other employment service. DHS must monitor these activities and record the client's participation in the Family Self-Sufficiency Plan (FSSP).

A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency-related activities is subject to penalties.

All WEIs, unless temporarily deferred, must engage in employment that pays at least state minimum wage or participate in other employment-related services. WEIs who are temporarily deferred are required to participate in activities that will assist in overcoming barriers and prepare them for employment or referral to an employment services provider. BEM Item 230. Non-compliance of applicants, recipients, or member adds means doing any of the following without good cause:

Failing or refusing to: Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.

Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.

FIS should clear the FAST Fall Out Report and any FAST confirmation information the client has obtained before considering a client noncompliant for FAST non-completion.

Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).

FIS must have scheduled a FSSP completion appointment with the client and the client failed to attend before considering a client noncompliant for FSSP non-completion.

Comply with activities assigned on the Family Self Sufficiency Plan (FSSP).

Provide legitimate documentation of work participation.

Appear for a scheduled appointment or meeting related to assigned activities.

Participate in employment and/or self-sufficiency-related activities.

Accept a job referral.

Complete a job application.

Appear for a job interview (see the exception below).

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.

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Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

The penalty for non-compliance without good cause is FIP closure. Good cause is a valid reason for non-compliance 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. BEM Item 230A, 233A. Good cause includes the following:

The client has a debilitating illness or injury, or an immediate family member's illness or injury requires in home care by the client. BEM 233A.

In the present case ALJ VanderHeide did not error in determining that claimant had good cause for failure to participate in JET due to her medical condition. Substantial evidence indicates that Claimant's medical condition at the time of the JET appointments precluded claimant from participation. Department argues that Claimant does not have good cause because she refused to comply with the physician's recommendations for hospitalization. However Department policy does not preclude an illness from "good cause" based upon a client failure to follow prescribed treatment. Further, there was insufficient evidence to show that the treatment was medically necessary to improve claimant's condition. The administrative law judge followed Departmental policy and law.

### **DECISION AND ORDER**

This Administrative Law Judge, based on the above findings of fact and conclusion of law, decides that the Administrative Law Judge was corrected when she found that Claimant had good cause for failure to participate in JET and in reversing the Departments actions for sanctioning claimant's FIP case.

### **IT IS THEREFORE ORDERED:**

That the Administrative Law Judge's decision mailed April 15, 2009 be UPHELD.

/s/  
Rhonda Craig  
Administrative Law Judge  
for Michigan Department of Human Services

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cc:



Date Signed: September 29, 2009  
Date Mailed: September 30, 2009

**\*\*\* NOTICE \*\*\***

The Appellant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.