

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: 2009-22027
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 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 June 17, 2009. Claimant personally appeared and testified. A worker with the Michigan Workers/Ferndale Career Center personally appeared and testified. A Department JET case worker 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 \$492 in monthly FIP benefits.

- (2) Claimant was required to attend Work First/JET and began attending JET in November 2008.
- (3) Claimant did not attend JET from December 14, 2008 through January 3, 2009. Consequently, on January 13, 2009, Claimant was sent Notice of Noncompliance, stating JET attendance was poor and that a meeting had been scheduled for January 21, 2009 at 2:00 pm at the Ferndale Career Center to give her the “opportunity to report and verify your reasons for noncompliance.”
- (4) Claimant did not attend the meeting. As a result, the Department found no good cause for her failure to attend and Claimant’s case was scheduled to close. The negative action was suspended due to her request for this hearing.
- (5) Claimant contends that she did not attend JET because she was working 25 to 30 hours at a job cleaning an apartment building. She provided a written statement from her employer stating that she worked since November 2008. In addition, her car had a dangerously worn tire.
- (6) Prior to the proposed negative action Claimant did not report that she was working and did not report that she needed assistance with transportation.
- (7) The Department suspended closure of her FIP case until this outcome of this hearing.
- (8) The Department timely received Claimant’s hearing request February 2, 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 selfsufficiency 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. (PAM 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. (PAM 105)

Under PAM 105, Claimant has a responsibility to cooperate with the Department. In this case, Claimant put forth credible evidence that she was engaged in working. Because the Work First/JET program is intended to prepare participants for employment, it is found that Claimant did not refuse to cooperate with the Department when she missed JET appointments. Under the circumstances, it is found that the Department should not sanction Claimant for failing to attend JET but rather provide Claimant with an opportunity to return to JET and timely report the hours that she works.

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 close Claimant's case on the grounds that she refused to attend JET.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to remove the negative action from the Claimant's case.

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

Date Signed: 06/25/09

Date Mailed: 06/29/09

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.

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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:

