

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: 2009-22595
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 22, 2009
Oakland 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 22, 2009. Claimant personally appeared and testified. A case manager and JET worker from Oak Park Career Center, a Michigan Works agency, appeared as witnesses for the Department. A JET coordinator 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 received \$403 in monthly FIP benefits.

- (2) Claimant was assigned to attend Michigan Works/JET at the Oak Park Career Center in December 2008.
- (3) Claimant is on parole and, as a result, is required to visit her parole agent. Claimant had appointments with her parole agent on [REDACTED] and [REDACTED] that prevented her from attending JET.
- (4) On April 21, 2009, the Department sent Claimant a Notice of Noncompliance stating that “weekly hours are not being met to remain in compliance.” The notice informed claimant that a meeting had been scheduled for May 8, 2009. (Exhibit 4). Claimant attended the triage meeting that included the Department worker and a Michigan Works case manager from the Oak Park Career Center.
- (5) The case manager at the Oak Park Career Center asserted that the agency wanted to discuss with Claimant some entries on her log.
- (6) Claimant asserted that she always told her Michigan Works case managers when she had an appointment with her parole agent and did so for both appointments in April 2009.
- (7) The Department determined that “no good cause was found.” (Exhibit 5).
- (8) Consequently, the Department found Claimant in noncompliance with the JET requirement and placed a negative action on her case. The negative action was suspended pending the outcome of this hearing.
- (9) The Department timely received Claimant’s hearing request on May 5, 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 was found to be credible. Neither the Department nor the Michigan Works agent offered sufficient evidence to establish that Claimant's logs were insufficient or that she failed to attend without good cause. No dates of absences were offered. In addition, the allegations regarding her log were not specific. Moreover, Claimant's testimony was found to be credible. It is found that Claimant did not refuse to cooperate with the Department, but rather was unable to attend Michigan Works/JET on April 7 and 14, 2009 due to appointments with her parole agent. Moreover, the Department did not establish that Claimant failed to meet JET requirements. Under these circumstances, it is found that the Department should not have determined to close her FIP 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 close Claimant's FIP case.

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

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

Date Signed: 06/26/09

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.

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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