

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: 2009-24465
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 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 July 8, 2009. Claimant's husband personally appeared and testified. A family independence manager and an assistant case 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 her husband 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 whose group size includes her husband. She receives \$828 in monthly FIP benefits.

- (2) On May 7, 2009, the Department worker received a notice to schedule triage meetings for Claimant and her husband. The worker sent Claimant a Notice of Noncompliance dated May 7, 2009 stating that she failed to participate with Work First/JET requirements and notifying her that a triage meeting was scheduled for May 15, 2009 at 10:40 am. (Exhibit 1).
- (3) The worker spoke to Claimant on May 11, 2009 and Claimant stated that she did not receive the notice. The worker told Claimant that her husband was also scheduled to attend a triage. Therefore, on or about May 11, 2009, the worker then sent Claimant another Noncompliance Notice addressed to her husband. (Exhibit 2).
- (4) Claimant's husband asserted that he did not get the notice of the triage meeting until two or three days after the triage meeting date.
- (5) Claimant's husband also asserted that he missed a JET appointment because he had appointments at school for tutoring in preparation for taking a test to become a certified [REDACTED].
- (6) The Department received Claimant's hearing request on May 27, 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. (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)

In this case, the husband's testimony was found to be credible. Therefore, it is found that he did not receive notice that a triage meeting had been scheduled until after the scheduled meeting. Moreover, Claimant's testimony that he had missed a Work First/JET appointment to attend tutoring at school in preparation for taking a certification test is found to be good cause for missing a Work First/JET appointment. Under these circumstances, it is found that the

Claimant's FIP case should not have been closed for noncompliance with Work First/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 closed Claimant's FIP case as a sanction for noncompliance with Work First/JET.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to reopen Claimant's case and reimburse her for any benefits she would have received had the case not been closed.

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

Date Signed: 08/05/09

Date Mailed: 08/06/09

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:

[REDACTED]