

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.: 2009-28043

Issue No.: 1038

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

August 5, 2009

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on August 5, 2009 and claimant was not represented. [REDACTED], FIS, and [REDACTED], Jet Coordinator, appeared on behalf of the department.

ISSUE

Whether the Department properly closed claimant's Family Independence Program (FIP) benefits case for non-compliance with employment related activities?

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 an ongoing recipient of FIP benefits in a household of 2 persons.
2. Claimant had been reporting to a job club through [REDACTED] until she began training for a new job with the [REDACTED].

3. Claimant called [REDACTED] to report when she was let go from the training for a lack of reliable transportation.
4. The department was notified by case notes from [REDACTED] that claimant had been fired and did not report back to job club. (Department Exhibit 2)
5. Department scheduled a triage appointment for May 28, 2009 at 2:00 pm.
6. Claimant was not able to attend, therefore she called the department on May 28, 2009 and left a message to reschedule or have the meeting by phone.
7. Claimant talked with her caseworker by phone on May 29, 2009.
8. The department closed the FIP benefits case on June 9, 2009.
9. Claimant requested a hearing contesting the closure on June 18, 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 (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 Dependant 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 Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP 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

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) 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. PEM 230A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. PEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. PEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant was an ongoing recipient of FIP benefits who was reporting to a job club through [REDACTED] until she began training for a [REDACTED] position. Claimant testified she was let go from the training for not having reliable transportation after her car had a flat tire. Claimant testified she called [REDACTED] to report the termination and was told a [REDACTED] would call her back and tell her what to do next. Claimant testified she did not receive a call back and therefore she made several more calls trying to reach [REDACTED].

Claimant also objected to the case notes form [REDACTED] because the notes were entered by staff she never worked with and further some of the notes contain information that could not be related to her case. For example the case note dated March 17, 2009 indicates

claimant had an interest in the healthcare field. (Department Exhibit 2) Claimant testified that she never indicated an interest in healthcare due to the needles, blood, ect. involved in that field.

There was no representative from [REDACTED] was present for the hearing.

The department also noted that claimant did not attend the triage meeting scheduled for May 28, 2009 at 2:00 pm. Department issued two notices to claimant regarding this appointment, one from her case worker, [REDACTED], and one from the JET Coordinator, [REDACTED]. (Department Exhibits 3 and 5) Claimant testified she never received May 15, 2009 Verification Checklist issued by [REDACTED], however, she does have problems receiving her mail. Claimant testified she received May 21, 2009 Notice of Noncompliance issued by [REDACTED] the evening of Wednesday, May 27, 2009. Claimant testified she called [REDACTED] the morning of the May 28, 2009 triage meeting to ask about re-scheduling or holding the meeting by phone and left a message. Claimant testified she made additional attempts to contact [REDACTED] that same day, but did not reach [REDACTED] until May 29, 2009. Claimant testified [REDACTED] told her to and was told to contact her caseworker. Claimant further testified she was able to get her worker's number from the front desk and did reach [REDACTED] on May 29, 2009.

The department representatives provided contradicting testimony at the hearing. [REDACTED] testified she could not recall anything specific from any cases in May 2009, but indicated that claimant must not have left messages or spoke with her the day after the triage appointment because her standard procedure is to return messages and work with clients before the case closes, even if the triage appointment was missed. However, [REDACTED] testified she did talk to claimant on May 29, 2009. [REDACTED] further testified that May 29, 2009 was too late for a good cause determination because the claimant missed the triage appointment.

Claimant has provided credible testimony that she called [REDACTED] to report being let go from training and was attempting to be complaint with the JET program. Accordingly, claimant has provided sufficient proof of good cause for failing to participate in work activities. Further, claimant testified she did try to reschedule the triage meeting and [REDACTED] testimony at the hearing supports that claimant attempted to work with the department before the case actually closed. Based upon the foregoing facts and relevant law, it is found that the department's FIP eligibility determination is REVERSED

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant has established good cause for non-participation in work activities for the JET program.

Accordingly, the Department's FIP eligibility determination is REVERSED. Therefore it is ORDERED that the department reinstate Claimant's FIP case retroactive to the closure date of June 9, 2009. It is further ORDERED that the department refer claimant back to the JET program.

Colleen Lack

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/10/09

Date Mailed: 09/11/09

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing.

Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

CL/jlg

cc:

