

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.: 2009-28506

Issue No.: 1014

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

September 2, 2009

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 September 2, 2009 claimant was present and testified, [REDACTED] JET coordinator and [REDACTED] Work First appeared for the department and testified.

ISSUE

Did the Department properly deny claimant's supportive services mileage reimbursement for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 a recipient of FIP benefits while participating in the Work First/JET Program.
2. On May 4, 2009 Claimant requested reimbursement for transportation expenses.

3. The Department issued a Notice of Noncompliance on May 19, 2009 indicating a triage appointment was scheduled for May 26, 2009.
4. Claimant requested a hearing contesting the denial of supportive services in the form of mileage reimbursement, on May 19, 2009.
5. A triage meeting was held on May 26, 2009.
6. The JET Manager testified that good cause was not found and that closure was recommended at the triage meeting.
7. Claimant's FIP benefits were not closed following the triage meeting.

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 230 A. 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.

Department of Human Services assists families to achieve self-sufficiency. The primary avenue to self-sufficiency is employment. DHS and the Michigan Works! Agencies provide Direct Support Services to help families become self-sufficient. PEM 232

In the present case, claimant was a recipient of FIP benefits who was required to participate in Work First/JET for 30-40 hours per week. Claimant sought reimbursement for transportation expenses in the form of mileage reimbursement. The Department denied reimbursement because of noncompliance by the claimant but, at the time of hearing, had not pursued closure of Claimant's benefits or sanctions. Claimant was not sanctioned for noncompliance and her FIP benefits were not closed at the time she sought reimbursement. The Department stated in their hearing summary that "The agency has not taken any negative action of [REDACTED] case."

The Department is required to reimburse for support services including mileage until such time as claimant is sanctioned or her FIP benefits are closed. PEM 232

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly denied reimbursement for the Claimant's mileage because sanctions were not pursued and she continues to receive FIP benefits.

Accordingly, the Department's denial of mileage reimbursement is REVERSED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/11/09

Date Mailed: 09/11/09

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 receipt 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.

AM/jlg

cc:

