

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. 2009-28513
Issue No. 1038
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
August 6, 2009
Wayne County DHS

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 6, 2009 and claimant was not represented. Janice Clark, JET case manager, and Mandarin McPherson, ES, 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 5 persons.
2. Claimant was not participating in the Work First program because she was providing child care services for a grandchild to allow [REDACTED], the child's mother, to attend school.

3. On January 15, 2009, the school completed a DHS-3380, Verification of Student Information that was received by the department on January 20, 2009.
(Department Exhibit 3)
4. On February 3, 2009, the department contacted the school to confirm the information provided on the DHS-3380, Verification of School Attendance, and the school reported that [REDACTED] had not attended school since September 2008. (Department Exhibit 3)
5. The department testified claimant was then given notice to attend the Work First program.
6. Claimant testified she never received a notice to attend the Work First Program.
7. The department closed the FIP benefits case on April 4, 2009.
8. Claimant requested a hearing contesting the closure on May 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 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. PEM Manual Item 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 Manual Item 233(a). If a customer is found in noncompliance with FIP when they are also a recipient of FAP, their FAP case will also be penalized for a minimum of three months under the JET program. PEM Manual Item 233(b); 42 USC 607. 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 not participating in the Work First program because she was providing child care for her grandchild so that [REDACTED], the child's mother, could attend school. The department contacted the school on February 3, 2009 to confirm the information provided on the Verification of Student Information form and was informed that [REDACTED] had not attended school since September 2008. Claimant testified that the school erred in stating [REDACTED] had not attended school since September 2008. Claimant testified her other daughter changed schools

but [REDACTED] did continue attending [REDACTED]. Claimant testified she could obtain proof of her daughter [REDACTED]'s school attendance.

The department testified a notice to attend the Work First program was mailed to claimant; however, claimant testified she never received a letter from the department to go to Work First.

The hearing record was left open until August 20, 2009, for claimant to provide school records for [REDACTED] documenting school attendance after September 2008 and for the department to provide a copy of the notice to claimant to attend Work First. The department did not fax the documentation submitted by claimant to the ALJ until August 26, 2009. A student grade print out has been received but does not show grades of all the marking periods or provide documentation regarding attendance. (Claimant Exhibit A) The department did not submit any additional documentation. Accordingly, the department has not provided sufficient proof that claimant was sent a notice to attend the Work First Program.

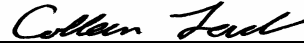
Based upon the foregoing facts and relevant law, it is found that the department's FIP eligibility determination was incorrect. The department has not provided proof that claimant was sent a notice to attend the Work First program. The FIP case shall be reinstated retroactive to the closure date of April 4, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department has not provided sufficient proof claimant was mailed notice to attend the Work First 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

April 4, 2009, in accordance with this decision.



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

Date Signed: 09/17/09

Date Mailed: 09/18/09

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.

CL/dj

cc:

