

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: 2009-29009
Issue No: 1013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 13, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on August 13, 2009. The Claimant appeared and testified. David Kernick, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant's FIP case application on 6/15/09 for a failure to comply with Work First requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for FIP benefits on 4/28/09 and was referred to Work First.
2. The JET Case Notes indicate the following issues with Claimant's participation in Work First:
 - a. 5/14/09 – CI was not dressed appropriately and left early.

- b. 5/19/09 – No show
- c. 5/20/09 – CI has been putting in minimal time and has not been in the lab since 5/14/09
- d. 5/22/09 – CI did not show with her Job Search Logs
- e. 5/28 – 5/29/09 – CI was at a funeral for uncle in [REDACTED].
- f. 6/1/09 – CI submitted 3 weeks of Job Activity Logs today.
- g. 6/3/09 – CI went home sick

(Exhibit 1).

- 3. Claimant testified that on 5/22/09 she did not want to be at Work First.
- 4. Claimant did not have a doctor note for the sick day on 6/3/09.
- 5. When questioned about her dress, Claimant indicated that others wore jeans to Work First.
- 6. Claimant's FIP benefits were terminated on 6/15/09 due to noncompliance.
- 7. On June 22, 2009, the Department received the Claimant's written hearing request.
- 8. Upon filing of Claimant's hearing request, FIP benefits were reinstated.

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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Federal and State laws require each work eligible individual in a 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. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. PEM 233A at 4. Good cause includes the following:

1. Client is employed 40 hours per week and earning minimum wage;
2. Client is physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information;
3. Illness or injury for client or family member;
4. Failure by the Department to make reasonable accommodation for Client's disability;
5. No appropriate, suitable, affordable and reasonably close child care;
6. No transportation;
7. Unplanned event such as domestic violence, health or safety risk, religion, homelessness, jail or hospitalization;
8. Long commute.

PEM 233A, pp. 3-4.

In present case, Claimant testified that she was at a funeral on 5/28/09 and 5/29/09. The JET worker case notes indicate that Claimant provided a brochure of the funeral. Claimant also testified that she was sick on 6/3/09 but could not afford to go to the doctor's office as she has no insurance. Even excusing these three days, however, there are a number of other issues for which Claimant does not have any claim of good cause. Claimant did not provide any

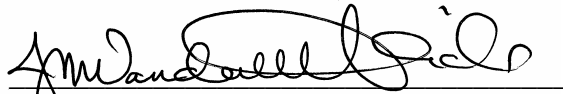
testimony or evidence that would provide good cause for her noncompliance with JET.

Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is upheld.

Accordingly, it is ORDERED that the Department's 6/15/09 dismissal of the FIP application for noncompliance is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/09/09

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 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.

JV/dj

cc:

