

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 200929169  
Issue No.: 1005  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: July 19, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 a hearing. After due notice, a telephone hearing was held on July 19, 2010. The Claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits case 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 who was assigned to JET.
2. A JET appointment notice was sent to Claimant on May 5, 2009 with a May 12, 2009 appointment time.
3. Claimant failed to appear at the Work First agency on May 12, 2009 and her case was referred to triage.
4. Notice of Noncompliance was sent to Claimant on June 10, 2009 with notice of a June 18, 2009 triage meeting.
5. Claimant did not appear at the triage meeting on June 18, 2009.
6. Claimant did not receive notice of the JET appointment or the triage meeting.
7. On June 23, 2009 Claimant's FIP case closed and a 90 day sanction was imposed.
8. Claimant requested hearing on July 1, 2009 contesting the closure and sanction of FIP benefits.

### **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. BEM 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. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 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. BEM 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. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant credibly testified that she did not receive notice of the May 12, 2009 JET appointment. Claimant also credibly testified that she did not receive notice of the June 18, 2009 triage meeting until after the meeting had taken place.

This Administrative Law Judge cannot find that Claimant was noncompliant or noncooperative for failing to appear at the JET appointment notice and triage meeting because she did not receive notice of those appointments prior to the appointments. Claimant had good cause for not appearing at the JET appointment and triage meeting

200929169/AM

because she did not receive timely notice of those appointments. Accordingly, the Department's closure of FIP benefits was improper.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP benefits shall be reinstated as of the date of closure. Any missed benefits shall be paid to Claimant in the form of a supplement.

/s/



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

Date Signed: July 23, 2010

Date Mailed: July 23, 2010

**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.

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