

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: 2009-29938

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 28, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on January 28, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly propose to close claimant's Family Independence Agency (FIP) case based on her failure to cooperate with mandatory employment-related activities (i.e., JET)?

FINDINGS OF FACT

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

(1) At all times relevant, claimant was an ongoing FIP recipient in the State of Michigan.

(2) At all times relevant, claimant fell into a classification of individuals required to work or to comply with certain work-related requirements as a condition of eligibility for her monthly welfare grant (FIP).

(3) Claimant attended her mandatory intake interview for the department's Jobs, Education and Training program (JET) on April 28, 2009, where she was assigned to submit weekly job search logs beginning on Monday, May 4, 2009 (Department Exhibit #1, pg 2).

(4) Claimant did not complete this activity, nor did she submit any good cause verification for her failure to do so; consequently, a triage meeting was scheduled for June 2, 2009, to assess potential barriers to claimant's participation as assigned (Department Exhibit #1, pg 2; Department Exhibit #3, pgs 1 and 2).

(5) On that date, claimant attended the meeting and fully acknowledged by signature that she had been noncompliant without good cause (Department Exhibit #2).

(6) At the meeting, claimant was given the opportunity to avoid a mandatory FIP sanction on her case (loss of benefits for a minimum of 3 months) by completing an assigned compliance test.

(7) Claimant's compliance test was to timely submit completed job search logs for the week beginning June 8, 2009 and ending June 12, 2009.

(8) On June 8, 2009, claimant provided a doctor's slip excusing her from four hours of JET class participation that day; however, she never did submit the required job search logs (Department Exhibit #2, pgs 1 and 2).

(9) Instead, claimant filed a timely hearing request, and thus, her FIP case was reinstated pending this appeal.

(10) Claimant's hearing was held on January 28, 2010.

(11) At hearing, claimant disclosed she has been working as a nurse's assistant after completing classes in a Medical Assistant program.

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 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).

The department initiated the Jobs, Education and Training (JET) Pilot Program on April 1, 2006. This program replaces the former Work First Program implemented in 1996 under the welfare reforms initiated by President Clinton through his signing of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). This Act established a block grant program to distribute federal taxpayer dollars to state governments to fund state cash assistance programs like Michigan's FIP program, and also, it required all states to develop and implement mandatory employment-related activities, rules and policies for welfare recipients. States who do not meet the federally-established participation rates suffer federal penalty funding cuts to their cash grant programs.

Under JET rules, a Work Eligible Individual (WEI) is a FIP recipient who counts in the state's federal work participation rate. BEM Item 228, pg 2. As a condition of eligibility, all WEIs must work or engage in employment and/or self-sufficiency-related activities. Non-compliance is defined in part by policy as failing or refusing to appear and participate with

assigned JET program appointments and/or meetings, failing to comply with assigned JET activities, and failing to complete job applications and/or appear for job interviews. BEM Item 233A, pg 2. Good cause is a valid reason for non-compliance based on factors beyond the control of the non-compliant person. BEM Item 233A, pg 3.

In this case, the facts of record are clear. Claimant acknowledged her initial JET non-compliance without good cause when she signed a written statement to that effect during her triage meeting on June 2, 2009 (Department Exhibit #2). Furthermore, claimant put forth no credible good cause reason for failing to comply with her assigned compliance test during the January 28, 2010 hearing. As such, the department had no alternative but to propose the FIP non-compliance penalties authorized by policy at BEM Item 233A, pg 6, as cited above (See Finding of Fact #6).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly proposed to close claimant's FIP case based on her failure to cooperate with mandatroy, employment-related activities.

Accordingly, the department's action is AFFIRMED.

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 23, 2010

Date Mailed: March 24, 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 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.

MBM/db

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