

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: 2009-30458
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2009
Macomb 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 received on July 30, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on August 26, 2009. The Claimant appeared and testified. Gerri Merlik, FIM and Greg Meteviev, FIS, along with Tracy Wagner, a representative from Michigan Works, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's FIP case for 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 was an active FIP recipient who was referred to the JET program.
2. Claimant testified that on 5/19/09 her vehicle broke down.

3. Claimant testified that she did not get a receipt from the individual who towed her car, rather she initially received a receipt from a friend who works at a towing company. (Exhibit 1, p. 4)
4. Claimant was unable to get a ride to Work First on the next day due to lack of transportation.
5. Furthermore, Claimant was unable to attend to Work First activities on the second day, due to lack of transportation.
6. As a result, Claimant did not turn in any logs for Tuesday 5/19, Wednesday 5/20, or Thursday 5/21.
7. A triage was scheduled on 6/24/09 and Claimant was given additional time to produce a towing receipt.
8. Claimant provided a towing receipt on 6/26/09 from a second towing company listing a different location. (Exhibit 1, p. 5). As a result, good cause was denied. (Exhibit 1, p. 1).
9. A negative action was instituted and Claimant's benefits were suspended effective 7/1/09.
10. On July 30, 2009, the Department received the Claimant's written hearing request.

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 when the client has a debilitating illness or injury or when an immediate family member's illness or injury requires in-home care by the client. Id. Good Cause also includes when the client has requested transportation services from DHS, the MWA, or other employment services provider prior to case closure and reasonably priced transportation is not available to the client. PEM 233A at p. 5. The penalty for noncompliance without good cause is FIP closure. Id. at 6. If good cause is established the negative action is to be deleted. Id. at 12.

In this case, the [REDACTED] gave credible testimony that she did not have transportation on the date that her car broke down or the following day. Claimant testified that she would have been unable to get transportation to JET to pick up bus tickets either. Claimant did turn in two conflicting towing receipts; however, Claimant's testimony that her car broke down is credible. This Administrative Law Judge finds that Claimant had good cause for missing Work First. Should a transportation problem arise in the future, however, Claimant should take care to

contact her JET caseworker on the day that there is a problem in order to determine if alternate transportation can be found.

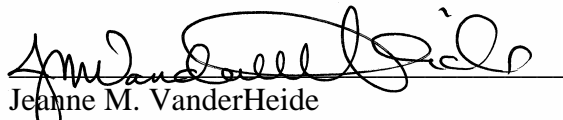
Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's 7/1/09 negative action for non-cooperation with JET shall be deleted and the Department shall reopen and reinstate Claimant's FIP case.
2. The Department shall supplement the Claimant with any lost benefits she was otherwise entitled to receive.


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

Date Signed: 09/22/09

Date Mailed: 09/22/09

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

2009-30458/JV

cc:

