

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. 2009-30703
Issue No. 1038
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
August 26, 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 26, 2009 and claimant was not represented. Sharron Nunley, FIS/JET worker, 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 who was participating in the Work First program.
2. The Work First program notified the department that claimant was not fulfilling the required weekly hours of participation in the program.

3. The department scheduled a triage meeting for July 10, 2009.
4. Claimant did not attend the triage meeting because she did not receive the notice until July 11, 2009.
5. Claimant requested a hearing contesting the proposed closure on July 16, 2009.
6. The department closed the FIP benefits case on July 22, 2009. (Department Exhibit 1 pg. 1)

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 began participating in Work First on March 4, 2009. Department Exhibit 1 pg. 5. The Work First case notes indicate claimant was required to participate 35-40 hours per week. Department Exhibit 1 pg. 6. However, claimant testified she believed the requirement was only 20-30 hours per week. Claimant testified that her doctor's appointments and ER visits led to missed participation hours and that she provided paperwork from the doctors to Work First. The Work First notes indicate claimant failed to report March 9, 2009 through March 13, 2009 and that claimant missed 2 days the week of April 6-10, 2009. The Work First notes show that claimant only provided documentation for a [REDACTED] ER visit at [REDACTED]. Department Exhibit 1 pg. 7. The Work First notes also show only 9 hours of participation the Week of April 27, 2009 to May 1, 2009. Department Exhibit 1 pg. 6. Claimant testified she could not recall why she did not attend Work First on the specified missed days in March and April 2009. The medical records submitted by claimant showing treatment

from February 2008 to September 2009 do not indicate any ER visits or appointments for any of the specified missed days in March and April 2009. (Claimant Exhibit 1 pgs 1-3)

Claimant further testified that her parenting classes conflicted with the Work First hours. Claimant testified she informed work first of the parenting classes and was told she could leave to attend the classes, but should sign in before the parenting class and return to Work First after class. Claimant testified the classes were two or three days a week and lasted two and a half hours. The Work First notes specify that claimant was told she still needed to meet the required attendance hours despite the parenting classes. Department Exhibit 1 pg. 6. Claimant testified she was not told the parenting classes would reduce the number of hours she was required to participate in the Work First program. Further, the documentation of parenting classes submitted by claimant show the classes attended between May 21, 2009 and August 20, 2009, which were after the alleged period of non-compliance in April and May 2009. (Claimant Exhibit 2)

At claimant's request, the record was left open and an extension granted until September 18, 2009 for the submission of additional documents claimant stated she had with her at the August 26, 2009 hearing that the department did not forward to this ALJ. One additional document was received from claimant prior to the September 18, 2009 due date. (Claimant Exhibit 2) A request for an additional extension of the due date has been denied because claimant indicated she was obtaining additional information from her doctor. The proposed evidence would not be part of the documentation claimant had with her on the hearing date that was not forwarded by the department. Further, claimant has already submitted documentation from her doctor's office of appointments between April 2009 and September 2009. (Claimant Exhibit 1 pg. 1)

Based upon the foregoing facts and relevant law, it is found that claimant did not have good cause for failing to meet the Work First participation requirements and therefore the department's FIP eligibility determination was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant did not have good cause for not meeting the Work First participation requirements.

Accordingly, the Department's FIP determination is AFFIRMED.

Colleen Lack

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

Date Signed: 10/07/09

Date Mailed: 10/08/09

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:

