

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. 2009-31456  
Issue No. 1038  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date:  
September 3, 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 September 3, 2009 and claimant was not represented. Monique Jones, FIS, and Gloria Thompson, FIM, 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 in a household of 3 persons.
2. On May 18, 2009, the department issued a Work First/Jobs, Education and Training Appointment Notice for claimant to attend Work First on May 26, 2009 at 1:30 pm.  
(Department Exhibit pg. 4)

3. On May 22, 2009, claimant began a new job providing home health care services through the department, but a different local office.
4. Claimant worked from 1:00 pm to 5:30 pm on May 26, 2009 and did not attend the 1:30 pm Work First appointment. (Claimant Exhibit pg.2)
5. On June 8, 2009, the department issued a Notice of Noncompliance for failing to attend Work First and a Verification Checklist to attend an interview on June 15, 2009 to discuss the case closure.
6. Claimant did not attend the June 15, 2009 appointment, but did call the department to discuss the case prior to the appointment date.
7. The department closed the FIP benefits case on June 16, 2009.
8. Claimant requested a hearing contesting the closure on July 16, 2009.

#### 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 was an ongoing recipient of FIP benefits who was sent notice to attend Work First on May 26, 2009 at 1:30 pm. (Department Exhibit pg. 4) Claimant testified she began a new job on May 22, 2009. Claimant testified that she called the Department on May 22, 2009 and told her worker she would not be able to attend the Work First appointment at 1:30 pm May 26, 2009 because she would be at work. Claimant has provided a Home Help Services Statement of Employment signed by the home health care recipient showing she began work on May 22, 2009. (Claimant Exhibit pg. 1) Claimant has also provided a record she kept

of the hours she worked. This record indicates claimant worked from 1:00 pm to 5:30 pm on May 26, 2009. (Claimant Exhibit pg. 2)

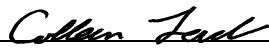
The department worker testified she does not recall a call from claimant prior to the work first appointment date. However, the department worker testified she did eventually receive an email from the other local department office confirming claimant's employment.

Based upon the foregoing facts and relevant law, it is found that claimant had good cause for not attending the Work First appointment. Claimant provided credible testimony and supporting documents that she worked from 1:00 pm to 5:30 pm on May 26, 2009 and therefore could not attend the 1:30 pm Work First appointment that same day.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant had good cause for not attending the Work First appointment.

Accordingly, the Department's FIP eligibility determination is REVERSED. Therefore, it is ORDERED that the department reinstate Claimant's FIP case retroactive to the closure date of June 16, 2009, in accordance with this decision.

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

Date Signed: 09/14/09

Date Mailed: 09/14/09

**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.

2009-31456/CL

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:

