

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. 2009-31970
Issue No. 1038
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
September 16, 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 16, 2009 and claimant was not represented. Mischa Gholston, FIS, and Brenda Webb, FIM, appeared on behalf of the department.

ISSUE

Is the Department's proposed closure of claimant's Family Independence Program (FIP) benefits case for non-compliance with employment related activities proper?

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 JET program.
2. On June 25, the department issued a Notice of Noncompliance indicating that claimant missed several days of unexcused work participation and a triage

meeting was scheduled to discuss the case on June 30, 2009. (Department Exhibit 1 pg. 13)

3. At the June 30, 2009 a triage meeting, claimant signed the First Noncompliance Letter indicating her agreement that she had been noncompliant without good cause and further agreed that by July 17, 2009 she would return to job search at [REDACTED] for 40 total hours starting July 13, 2009. (Department Exhibit 1 pg. 10)
4. The department also issued a Work First/JET appointment notice for July 13, 2009 noting that claimant should “be prepared to stay the entire session.”
Department Exhibit 1 pg. 12)
5. On July 13, 2009 claimant only attended the job search program for the morning.
6. Claimant testified she did not realize the program would be a full day and had made an appointment to enroll her foster son in youth programs for that afternoon.
7. The Work First/JET program did not allow claimant to return the rest of that week because she failed to attend the full session on June 13, 2009.
8. Claimant filed a hearing request to contest the closure of FIP benefits for noncompliance with Work First/JET on July 28, 2009.
9. The department closed the FIP benefits for failure to participate in the Work First/JET program effective August 4, 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). 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. On June 25, the department issued a Notice of Noncompliance indicating that claimant missed several days of unexcused work participation and a triage meeting was scheduled to discuss the case on June 30,

2009. (Department Exhibit 1 pg. 13) At the June 30, 2009 meeting, claimant signed the First Noncompliance Letter indicating her agreement that she had been noncompliant without good (Department Exhibit 1 pg. 10) Claimant further agreed that by July 17, 2009 she would return to job search at [REDACTED] for 40 hours beginning July 13, 2009. (Department Exhibit 1 pg. 10) Claimant was also provided a Work First/JET appointment notice for the July 13, 2009 appointment indicating she should “be prepared to stay the entire session.” (Department Exhibit 1 pg. 12)

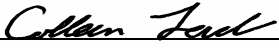
Claimant only participated in the Work First/JET program for the morning of July 13, 2009. Claimant testified she did not realize the program would be a full day and had made an appointment to enroll her foster son in youth programs that afternoon. Claimant testified that the previous Work First/JET program she attended was only a half day. However, the agreement claimant signed was very specific. Claimant agreed to participate in the program for 40 hours starting on July 13, 2009 with a completion date of July 17, 2009. (Department Exhibit 1 pg. 10) Thus claimant would have to average 8 hours of participation a day to fulfill the required 40 hours in the 5 day period. The appointment notice sent to claimant to start the program on July 13, 2009 also noted that claimant should be prepared to stay the entire session. (Department Exhibit 1 pg. 12)

Based upon the foregoing facts and relevant law, it is found that the claimant did not have good cause for not attending full the Work First/JET appointment on July 13, 2009.

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 attending the full Work First/JET appointment.

Accordingly, the Department's FIP eligibility determination is AFFIRMED.



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:

