

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: 2009-32769
Issue No: 1035
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 25, 2010
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 EXPEDITED telephone hearing was held on February 25, 2010 in Battle Creek. Claimant personally appeared and testified under oath.

The department was represented by Lena Thunder (JET Coordinator) and Jim Wick (JET Case manager).

ISSUE

Did the department correctly decide to sanction claimant's FIP case on July 18, 2009 due to claimant's failure to comply with her JET/Work First assignment (May 25 to June 7, 2009)?

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 is a current FIP recipient (\$306 per month) with a group size of two.

(2) Claimant also receives FAP (\$148 per month). The only program in dispute is FIP eligibility.

(3) On May 18, 2009, the Work First worker assigned claimant to attend Job Search for 30 hours each week. The Work First caseworker gave claimant written notification of this assignment. Claimant acknowledged the assignment by signing the Work First notice.

(3) Prior to May 25, 2009, claimant completed her Work First assignment.

(4) During the period of May 25 through June 7, claimant failed to complete her 30-hour per week Work First assignment.

(5) On June 16, 2009, the caseworker sent claimant a FIP closure notice (DHS-2444), to her correct address [REDACTED] stating that claimant was in noncompliance with her Work First assignment because she failed to meet her 30-hour per week requirement.

(6) On June 16, the caseworker scheduled a Triage appointment for claimant on June 26, 2009 at 1:40 p.m. in [REDACTED]. Claimant received proper notice of the Triage meeting.

(7) Claimant did not appear for the Triage meeting on June 26, 2009, and did not provide good cause reasons for her failure to complete her 30-hour Work First assignment for the period in question.

(8) At the Triage meeting, the caseworker decided that claimant did not have good cause for her noncompliance with her Work First assignment, her failure to take the required ATC test, and her failure to appear on June 26 for her Triage meeting.

(9) On July 18, the caseworker placed claimant's FIP case into closure status.

(10) On July 28, 2009, claimant requested a hearing. The department deleted the proposed closure of claimant's FIP case pending the outcome of the hearing.

(11) Claimant's FIP case is currently open.

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 following department policies outline the applicable employment requirement for FIP recipients assigned to Work First:

DHS requires clients to participate in employment-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities that lead to self-sufficiency. However, there are consequences for a client who refuses to participate in employment-related activities or refuses to accept employment without good cause. BEM 233A and BEM 233B.

Based on a careful review of the evidence in the record, the caseworker correctly decided that claimant did not have good cause for her failure to complete her JET/Work First assignment for the period in question. Likewise, claimant did not establish good cause for her failure to meet with her JET/Work First caseworker on June 26, 2009.

The preponderance of the evidence in the record shows that the JET/Work First caseworker properly assigned claimant to attend Work First. The Work First caseworker to perform Job Search activities 30 hours per week. Claimant failed to complete her Job Search assignment for the period May 25 through June 7, 2009. Claimant also failed to take the ACT test as required.

Based on claimant's failure to complete her Work First assignment, and claimant's failure to establish good cause reasons for her noncompliance, the JET caseworker correctly decided to sanction claimant's FIP case on July 18, 2009.

After a careful review of the record, the Administrative Law Judge concludes that there is no evidence of arbitrary or capricious actions by the JET caseworker in her decision to sanction claimant's FIP case for noncompliance with Work First.

The record shows that Work First rules were correctly explained to claimant and that she signed her Work First notice acknowledging her responsibilities to perform 30 hours of Job Search each week.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's JET/Work First sanctions are correct.

Accordingly, the department's decision to close claimant's FIP case, due to non-compliance with Work First is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 17, 2010

Date Mailed: May 18, 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.

JWS/tg

cc:

[REDACTED]