

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No. 2009-33299

Issue No. 1038

Case No. ██████████

Load No. ██████████

Hearing Date:

September 23, 2009

Jackson 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 23, 2009 and claimant appeared and testified. Claimant's husband, ██████████ also appeared and testified. Alice Seipelt, 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.
2. Claimant and her husband were referred to the JET program to participate in employment related activities.

3. On June 29, 2009 the JET program reported that claimant's husband was not meeting his hourly requirements and that there were issues with the documentation and logs he submitted. (Department Exhibit 5 pg. 4).

4. On July 9, 2009 the department issued a Notice of Noncompliance indicating that claimant had until July 20, 2009 to show good cause for the noncompliance and that an appointment was scheduled for July 14, 2009 to discuss the case.

5. Claimant did not attend the appointment and the FIP benefits closed.

6. Claimant requested a hearing contesting the closure on July 20, 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, the parties dispute the number of hours claimant's husband was required to participate. The department representative testified that between claimant and her husband 35 hours were required. Claimant testified that she believed she was under a deferral due to her health condition requiring a period of bed rest. Claimant's husband testified that his understanding was that he was only required to participate in work activities for 20 hours a week.

On June 29, 2009, the JET program reported that claimant's husband was not meeting the required participation hours and had problems with his logs and documentation. (Department Exhibit 5, pg. 4) JET case notes show repeated discussions with claimant's husband that he must provide documentation with the logs for the hours to count. (Department Exhibit 5) On May 27, 2009 a message was left for claimant's husband regarding the log submitted without contact names and attendance verification with signatures from the school. (Department Exhibit 5 pg. 1)

A June 2, 2009 note indicates that a JET program worker talked with claimant's husband and explained what things are needed to have a log that counts and further provided him with attendance logs to have the instructor at school sign as well as job search logs. The note also indicates that claimant's husband now understood what was needed. (Department Exhibit 5, pg. 1) However, on June 8, 2009 claimant again submitted a log without documentation of attendance signed by the class instructor or anything else to verify his actual hours of training. (Department Exhibit 5, pg. 1)

On June 29, 2009 claimant's husband submitted a log including 12 hours of work study but no documentation was attached so that the hours could not be counted. (Department Exhibit 5, pg. 4) Claimant's husband testified that to make the reporting of his work related activities simpler, he just added all his work related activity hours and listed them all under work study. Claimant's husband further testified that the hours were not really work study because by this time he had stopped going to school. Claimant's husband testified that the hours were actually spent using computers at the school to look for jobs. As noted above, claimant's husband had been given job search logs to complete and submit for these types of hours.

Based upon the foregoing facts and relevant law, it is found that the claimant has not documented good cause for noncompliance with employment related activities. Claimant's husband was advised how to log his hours, what documentation was needed, and was provided with the proper forms to document his work related activities so that the hours listed on his logs would count toward his required participation hours. While the documentation required by the JET program may seem tedious, it is needed to verify that the required participation hours for the program have been met. Claimant's husband did not comply with the required logging and documentation of his work-related activities so that his hours could be counted. Therefore, the department properly closed claimant's FIP benefits for noncompliance with work activities.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that claimant has not documented good cause for the noncompliance with required work activities and therefore the department properly closed the FIP benefits.

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

/s/

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

Date Signed: September 30, 2009

Date Mailed: September 30, 2009

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.

CL/cv

cc:

