

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: 2009-33726
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 28, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on September 28, 2009. The Claimant appeared and testified. Maryann Tubbs, FIM and Elizabeth Ortiz, FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly issued a negative action and closed Claimant's Family Independence Program ("FIP") benefits effective 4/14/09 for a failure to attend Work First?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant filed an application for FIP benefits on 7/10/09 and was referred to Work First.
2. The Department indicated that Claimant failed to attend JET Orientation on 7/20/09. (Exhibit 1, p. 1).

3. Claimant testified that the water pump in her car went out, she was stranded on the freeway on Sunday night, and that she stayed at her mother's house as a result. Claimant further testified that she could not get a ride back to Work First the next morning.
4. Claimant testified that her repair issue caused her to sign up for [REDACTED] roadside service in order to afford the tow for the car.
5. Claimant testified that the car was towed a few days later; however, Claimant did not get a towing receipt.
6. On 8/12/09, the Department closed Claimant's FIP case for failure to appear for Work First.
7. The record was left open until 10/5/09 in order to allow Claimant to submit verification of a towing receipt and evidence indicating when the Allstate roadside assistance went into effect.
8. Claimant submitted a towing receipt dated [REDACTED] with no Customer Name. Furthermore, Claimant did not submit any evidence indicating when the [REDACTED] roadside assistance went into effect.
9. On August 18, 2009, the Department received the Claimant's written hearing request.

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 (formerly known as the Family Independence Agency) 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).

Federal and State laws require each work eligible individual in a 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. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

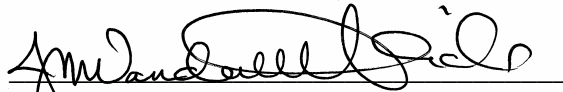
Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. PEM 233A at 4. Good cause includes an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. Id. The penalty for noncompliance without good cause is FIP closure. Id. at 6. If good cause is established the negative action is to be deleted. Id. at 12.

In this case, the Claimant testified that she experienced a car repair problem that prevented her from attending the JET orientation. The record was left open to allow Claimant to provide proof of the car repair through a towing receipt and [REDACTED] records. Claimant provided a towing receipt but no evidence that Claimant obtained roadside assistance in order to get the car towed. Furthermore, the towing receipt provided by Claimant contains no customer name and is dated [REDACTED]. The Administrative Law Judge finds that Claimant has not provided enough evidence to prove good cause. Accordingly, based upon the foregoing facts and relevant law, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is upheld.

Accordingly, it is ORDERED that The Department's closure of Claimant's FIP benefits for noncompliance with Work First is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/13/09

Date Mailed: 11/17/09

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.

JV/dj

cc:

