

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: 2009-35304

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 8, 2009

Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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, a telephone hearing was held on October 8, 2009. Claimant appeared and testified. Rahela Vulicevic, FIM, and Roshonda Leslie, FIS JET worker, appeared on behalf of the department. Shannon Myers, Michigan Works JET Career Developer, Sarah Anderson, Michigan Works JET Career Developer, appeared on behalf of Michigan Works.

ISSUE

Did the Department of Human Services (DHS) properly close claimant's Family Independence Program (FIP) benefits case for noncompliance 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 who participated in the JET program at Michigan Works.

(2) On March 18, 2009, claimant did not complete an activities form for volunteer work and was found to have a missed assignment. (Department Exhibit 1, pgs. 9-10)

(3) Claimant attended the Summer Youth Works Program from June 8, 2009 to July 17, 2009. (Department Exhibit 1, pg. 11)

(4) After the Summer Youth Works Program ended, claimant was to resume job search activities including reporting to Michigan Works on Wednesdays and submitting a weekly job search log by 9:00 am.

(5) On July 22, 2009, claimant did not report to Michigan Works or submit a job search log and was found to have a second missed assignment. (Department Exhibit 1, pgs. 9- 11)

(6) On July 29, 2009, claimant was late for reporting and submitting the job search log. This was considered her third missed assignment and claimant was scheduled for a triage meeting. (Department Exhibit 1, pgs. 9-11)

(7) On August 26, 2009, a triage meeting was held, however, good cause was not found for the noncompliance with the employment-related activities.

(8) On August 26, 2009, the department issued a notice that the FIP benefits would close effective September 9, 2009.

(9) Claimant requested a hearing contesting the closure on September 1, 2009.

(10) The FIP benefits have been reinstated pending the hearing outcome.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manuals.

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. BEM 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. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 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. BEM 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. BEM 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. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant was participating in the JET program through Michigan Works. On February 17, 2009 the claimant signed several documents in the contract packet, including the job search guidelines, check-in schedule and the job search activities and JET Transportation Services Policy. (Department Exhibit 1, pgs. 2-8) Under the Job Search Guidelines and Check-In Schedule, job seekers must report on Wednesday and submit a weekly log of the job search activity by 9:00 am. Further, the guidelines indicate that failure to follow any of the rules will result in a missed assignment and two missed assignments will result in a triage. (Department Exhibit 1, pg. 4) The Job Search Activities form also notes that job search logs are to be completed prior to arriving at Michigan Works, back up day care should be arranged, and if a job seeker is not able to attend on the scheduled date/time they must discuss this with the career developer. (Department Exhibit 1, pg. 5) The section on missed assignments indicates that missed assignments can occur when a job seeker fails to report to Michigan Works on time, submits incomplete logs, fails to show for an activity assigned by a career developer, and that job seekers are responsible for renewing transportation. (Department Exhibit 1, pg. 5) Under the JET transportation Services Policy, Michigan Works will provide bus tokens to assist with transportation. (Department Exhibit 1, pg. 7)

The Michigan Works case notes show that claimant's case was placed in triage status after three missed assignments that occurred March 18, 2009, July 22, 2009 and July 29, 2009. (Department Exhibit 1, pgs. 9-11) On March 18, 2009, claimant did not complete an activities

form for her volunteer work after being given a warning the week before. (Department Exhibit 1, pgs. 9-10) Claimant testified that she missed this assignment because she never had a volunteer schedule and noted that she later completed the scribe program. While claimant may have later completed another program, she still missed completing the assignment due on March 18, 2009.

Claimant testified she understood that when the Summer Youth Works program ended, she was to resume job search activities, report back to Michigan Works on July 22, 2009 and submit a job search log. Claimant did not report on July 22, 2009 or submit a job search log. However, claimant testified she called Michigan Works instead because she had run out of bus tokens and job search log forms. JET policy does not allow hours to be called in, job seekers are required to come in to report and submit the job search logs. Claimant testified she spoke with a career developer who told her she would have a missed assignment for the day.

On July 29, 2009, claimant was late in reporting to Michigan Works and did not have her job search log completed before it was due at 9:00 am. Claimant was filling out the job search log in the lobby after her late arrival because she was still out of blank log forms. Claimant testified she was late because she had trouble arranging child care. Claimant testified she was also late because she had to get a ride at the last minute. Claimant testified that she did not have a car like she thought she would by that date and she was still out of bus tokens.

Claimant had been receiving bus tokens as transportation assistance from the Michigan Works program and had requested additional bus tokens as needed in the past. Under JET policy, it is the job seekers responsibility to renew transportation assistance. The Michigan Works representative testified that she was present for the last day of the Summer Youth Works program and bus tokens were available that day had claimant asked for them. The Michigan Works representative further testified the job search logs would also have been provided to

claimant if requested and could have been mailed to her if needed. Claimant did not request additional bus tokens or blank job search logs on the last day of the Summer Youth Works program or when she called into Michigan Works on July 22, 2009.

In regards to the child care, claimant had been approved for Child Development and Care (CDC) benefits through the department. Claimant testified had been using the same care provider all summer, but there was a problem regarding the provider's PIN number. Claimant further testified that due to the issue with the PIN number, the child care provider had not been paid and was no longer willing to provide child care services and claimant had to find another provider at the last minute on July 29, 2009. Lack of child care can be a reason for good cause, however, department policy requires a claim of good cause to be verified and documented. Claimant has not provided any verification or documentation that her regular child care provider was suddenly unavailable that day.

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 was advised when she needed to report to back Michigan Works and submit her logs. Claimant did not timely submit required logs, missed reporting on July 22, 2009 and was late on July 29, 2009. Claimant did not request additional bus tokens or logs before she ran out and has not provided documentation of the child care problem. 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, decides 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: October 15, 2009

Date Mailed: October 15, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

