

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: 2009-36485
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2009
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 20, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) benefits in September, 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 was a FIP recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when she arrived 10 minutes late on September 1, 2009 for WF/JET Week One Orientation. Claimant was then referred for triage by WF/JET staff.

2. On September 1, 2009, department mailed the claimant a Notice of Noncompliance telling her she did not participate in required activity, and scheduling a triage appointment for September 10, 2009, to discuss possible good cause reasons for her alleged noncompliance.

3. Department did not grant the claimant good cause and her FIP case was pended to close for a third instance of WF/JET noncompliance. Claimant requested a hearing on September 10, 2009 and her FIP case remains active pending the outcome of this hearing.

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).

That the claimant was a mandatory WF/JET participant is not in dispute. BEM 230A. Departmental policy states that any mandatory WF/JET participant that fails to participate in employment-related activities as assigned by WF/JET staff without good cause is subject to penalties. BEM 233A.

Issue at this hearing is claimant's failure to report for WF/JET Week One Orientation on September 1, 2009 in a timely manner, as the claimant was 10 minutes late. Claimant stated numerous complaints about the department during the hearing, starting with a request that the

Supreme Court review her case record for the past 8 years. Claimant was told that such a request is outside the scope of the administrative hearing.

Claimant then stated she had been a victim of domestic violence and DHS does not care about this. WF/JET notes provided for this hearing for August 26, 2009, indicate that the claimant was told she cannot be excused from participation unless she provides a police report to verify domestic violence. Claimant reported that she brought multiple old police reports, but that she is going to “rise above being a victim and become a survivor”. WF/JET staff member reiterated that without a police report claimant could not be excused from participation. Departmental policy indeed allows for a possible WF/JET deferral due to domestic violence if credible information verifies the existence of the same. BEM 233A, p. 5. Documentation that can be provided by a client to verify domestic violence can be court records (such as a personal protection order), police records, service from a domestic violence provider, statements from a therapist or a counselor, etc. Claimant apparently declined to provide current evidence of domestic violence, so the department could not consider deferring her from WF/JET participation on this basis.

Claimant then stated that she did not have a vehicle but a friend was going to bring her in, but then the friend’s brakes gave out. Claimant had to call her boyfriend’s mother to take her to WF/JET, and this was the person that was also her ex-landlord and that evicted her from her previous residence. Ex-landlord’s car then also quit working and was starting and stopping, making her 10 minutes late for WF/JET.

Departmental staff pointed out that the claimant was offered bus service but claimant responds that she called the bus in March, 2009 and they refused to go to her address and pick her up. Departmental staff explains that the bus is under contract with MW and they must pick

all of the clients up that arrange for this type of transportation with MW/JET. Claimant had apparently declined the bus service as she was going to arrange for her own transportation. Therefore lack/problems with transportation cannot be considered a valid reason for the claimant to have been late for WF/JET.

Claimant also points out that many other clients were also late for WF/JET on September 1, 2009. Administrative Law Judge advises the claimant that she has WF/JET noncompliance hearings on a daily basis and many are for being late to WF/JET, and that she is therefore not an exception to possible WF/JET sanctions. Departmental staff state that rules of WF/JET program are explained at orientation, including that tardiness will not be allowed. WF/JET notes also state that clients are advising in writing that being tardy/missing job club because of transportation (if chose not to utilize ACT) is not an allowable excuse and clients will be held accountable. Furthermore, it is stated in the letter that they receive that clients receive that they can not arrive after 8:30 AM during week 1 or they will be referred back to DHS.

Claimant also complains about a manager that is present in the hearing stating that she has tried to reach him for months and never could. Claimant then states that she has been living in Van Buren County and her case was kept in Allegan County DHS for no reason. Claimant's caseworker states that the claimant was indeed living in Allegan County, as this was checked with the local post office. Claimant then proceeds to complain about DHS in a loud and aggressive manner and to blame DHS for al of the troubles in her life. This Administrative Law Judge points out to the claimant that WF/JET notes indicate she is a CNA, and asks the claimant why she just does not get a job as such so she does not have to deal with DHS, entity she apparently despises. Claimant responds that the governor wants her to complete two year training.

In conclusion, after reviewing information provided for this hearing and considering the testimony of departmental representatives and the claimant, this Administrative Law Judge finds that the claimant did not have good cause for her WF/JET noncompliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly took action to terminate claimant's FIP benefits in September, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2009

Date Mailed: October 29, 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 receipt date of the rehearing decision.

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