

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.: 2009-36491
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 26, 2009
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 26, 2009 claimant was present and testified, [REDACTED] FIM and [REDACTED] FIS appeared for the department and testified.

ISSUE

Did the Department properly close claimant's Family Independence Program ("FIP") benefits case for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 and was referred to JET/Work First.
2. Claimant failed to meet her required hours for July 2009.

3. On September 1, 2009 notice of Noncompliance was sent to claimant with a notice of a September 10, 2009 triage meeting.
4. At the triage meeting on September 10, 2009 the Department determined that good cause did not exist for claimant missing her hours.
5. On September 19, 2009 a notice was sent to claimant informing her that FIP benefits were closing.
6. Claimant requested a hearing contesting the proposed closure on September 11, 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 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 233(a). 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. Good Cause for No Child Day Care can be found if the client requested child day care services (CDC) from DHS, the MWA, or other employment services provider prior to case closure for noncompliance and CDC is needed for a CDC-eligible child, but none is appropriate, suitable, affordable and within reasonable distance of the client's home or work site.

- **Appropriate.** The care is appropriate to the child's age, disabilities and other conditions.
- **Reasonable distance.** The total commuting time to and from work and child care facilities does not exceed three hours per day.
- **Suitable provider.** The provider meets applicable state and local standards. Also, providers (e.g., relatives) who are NOT registered/ licensed by the DHS Office of Child and Adult Services must meet DHS enrollment requirements for day care aides or relative care providers. See BEM 704.
- **Affordable.** The child care is provided at the rate of payment or reimbursement offered by DHS. PEM 233A

In the present case, claimant was an ongoing recipient of FIP benefits and was referred to Work First/JET. Claimant was sent a notice of noncompliance on September 1, 2009 for failing to meet her required hours and being in non-compliance with work first. A triage meeting was scheduled for September 10, 2009. At the triage meeting on September 10, 2009 the department determined that good cause did not exist for being in non-compliance with work first.

At hearing, Claimant testified that she did not meet her hours because of her difficulty with obtaining child day care. Claimant also testified that she missed hours in July because of health problems. Claimant was excused for missing hours in July. Claimant logged zero hours for the weeks of August 2, 2009 and August 9, 2009. Claimant provided no proof that she notified the Department about the difficulty she was having with child day care, therefore she does not fall under the No Child Care good cause exception found at PEM 233A pg. 3.

Claimant has not provided sufficient proof of good cause for failing to participate in Work First/JET. Accordingly, the Department's closure of FIP benefits was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the closure of FIP benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/09

Date Mailed: 11/10/09

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 60 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.

AM/jlg

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