

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: 2009-4583
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 3, 2009
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an in-person hearing was held on February 3, 2009 in Essexville. Claimant personally appeared and testified under oath.

The department was represented by Becky Mosher (FIM), Joan Tacey (FIS), and Mary Avila (JET Manager).

ISSUE

Did the department correctly decide to sanction (close) claimant's FIP case due to claimant's daughter's failure to comply with her JET assignment from August 25 through September 30, 2008?

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 and her [REDACTED] are FIP recipients.
- (2) Breonna Harris was assigned to participate in Job Search at the JET office for 30 hours a week for the period in question.
- (3) On August 20, 2008, [REDACTED] attended the JET orientation.
- (4) On August 25, 2008, [REDACTED] started her JET classes, as required.
- (5) On September 5, 2008, [REDACTED] was suspended from school. School attendance was a mandatory requirement of her JET requirement. JET was notified [REDACTED] was referred to DHS for triage.
- (6) On September 8, 2008, a DHS-2444 was sent [REDACTED] her of a triage meeting scheduled for September 16, 2008.
- (7) On September 16, claimant [REDACTED] the triage meeting. Claimant did not provide a good cause reason [REDACTED] failure to comply with her JET requirements. At the triage [REDACTED] repeatedly she would not complete her JET assignment [REDACTED] stated she was on a waiting list to get into other high schools. Claimant was upset that she could be penalized [REDACTED] to comply with her JET assignment [REDACTED] agreed to comply with her JET assignment, and signed the DHS-754 stating she would attend JET starting Monday, September 22 for 30-40 hours to show compliance.
- (10) On September 18, 2008, DHS received notice from the JET program that [REDACTED] had signed up for and was going to start school on September 22, 2008.
- (11) On September 22, 2008, [REDACTED] did not return to JET.
- (12) On September 24, 2008, [REDACTED] and stated she was suspended from school due to fighting. [REDACTED] was not complying with school or with her JET activity, as assigned on the DHS-754, so claimant's case was allowed to close on September 30, 2008.

(13) On November 5, 2008, claimant filed a timely hearing request.

(14) The proposed FIP negative action was deleted.

(15) The claimant thinks that the department should not sanction her FIP case because her daughter has repeatedly failed to comply with her JET assignment.

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).

WORK FIRST POLICY

The local office correctly apply JET/Work First policy as specified in PEM 230A, page 19. This policy requires FIP recipients to participate in the JET/Work First program as a condition of ongoing eligibility for FIP benefits.

The preponderance of the evidence in the record shows that the caseworker properly assigned [REDACTED] JET/Work First program. This assignment [REDACTED] [REDACTED] attend school and complete her high school education and/or attend JET classes, 30 to 40 hours a week.

The preponderance of the evidence establishes [REDACTED] to comply with her JET/Work First requirement between August 25 and September 30, 2008 because she was

expelled from high school and did not report to JET to complete the 30 to 40 hours she was required to attend.

Based on a careful review of the record, the Administrative Law Judge concludes that the caseworker correctly placed a JET sanction on claimant's FIP case due [REDACTED] failure to comply with her JET assignment and to attend school and obtain a high school diploma. The caseworker met with claimant and [REDACTED] a triage meeting on September 8, 2008 and explained the JET/FIP rules and regulations.

Based on a careful review of the entire record, the Administrative Law Judge concludes that the department correctly decided to sanction claimant's MA-P/JET case due [REDACTED] [REDACTED] failure to comply with her assignment.

There is no evidence of arbitrary or capricious action by the department on this record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly imposed a JET/Work First sanction on the claimant's FIP case on September 30, 2008.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 9, 2009

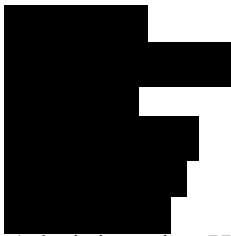
Date Mailed: February 9, 2009

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.

JWS/tg

cc:



Administrative Hearings (2)