

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: 2009-7298  
Issue No: 1021  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 5, 2009  
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on February 5, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case due to her failure to participate in the 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 had been a FIP benefit recipient for a group that included her children.
- (2) Claimant also had been periodically homeless. Claimant had been living at a

[REDACTED] briefly until she exhausted the allowable time period the shelter allotted to resident.

(3) Claimant contends that she told the Department worker that was assigned to her that she had left [REDACTED] on August 14, 2008.

(4) On September 4, 2008, the Department worker sent Claimant a Verification Checklist, DHS-3503, requesting household expenses and income records. (Exhibit 1). The documentation was due on September 14, 2008.

(5) The Verification Checklist was sent to [REDACTED]  
[REDACTED]

(6) Because Claimant was no longer living at [REDACTED], she did not get the verification checklist mailed on September 4, 2008 until after the September 14, 2008 deadline.

(7) On September 9, 2008, the Claimant called and provided the worker with her grandmother's address, [REDACTED]

(8) Also on September 4, 2008, the Department worker assigned Claimant to report to the JET program at the West Side Complex, [REDACTED] on September 10, 2008. (Exhibit 4). Claimant contends that the Department worker did not send the notice of the JET appointment to her correct address. She further asserted that the worker was still sending documents to [REDACTED]. Claimant asserts that as a result of not getting notice, she did not attend her JET appointment on September 10, 2008.

(9) Another Department worker, a family independence manager, spoke with Claimant on September 11, 2008. During that conversation, the manager informed Claimant she could still attend JET. The worker told Claimant she could report to JET on September 15, 17, 22, or 24, 2008.

(10) Claimant did not attend JET by September 25, 2008. The next day, September 26, 2008, the Department sent Claimant a Notice of Noncompliance, DHS-2444 to [REDACTED]

the address Claimant had provided. (Exhibit 8). The Notice of Noncompliance informed her that a triage appointment had been scheduled for October 9, 2008 to allow her the opportunity to verify her reasons for not attending the JET program.

(11) Claimant did not attend the triage appointment on October 9, 2008. Almost a week later, from October 15 through October 20, 2008, she was hospitalized.

(12) The Department worker closed Claimant's case on October 21, 2008 because she did not establish good cause for failing to report to JET. (Exhibit 11).

(13) The Department received the hearing request on November 24, 2008. (Exhibit 1).

### 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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

### **DEPARTMENT POLICY**

#### **FIP, RAP Cash**

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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, pg. 1)

## **NONCOMPLIANCE PENALTIES FOR ACTIVE FIP CASES AND MEMBER ADDS**

The penalty for noncompliance without good cause is FIP closure. Effective April 1, 2007, the following minimum penalties apply:

- For the first occurrence on the FIP case, close the FIP for not less than three calendar months unless the client is excused from the noncompliance as noted in [First Case Noncompliance Without Loss of Benefits](#) below.
- For the second occurrence on the FIP case, close the FIP for not less than three calendar months.
- For the third and subsequent occurrence on the FIP case, close the FIP for not less than 12 calendar months. (PEM 233A, p. 6).

## **TRIAGE**

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. Locally coordinate a process to notify the MWA case manager of triage meetings including scheduling guidelines.

Clients can either attend a meeting or participate in a conference call if attendance at the triage meeting is not possible. If a client calls to reschedule an already scheduled triage meeting, offer a phone conference at that time. Clients must comply with triage requirements within the negative action period.

When a phone triage is conducted for a first noncompliance and the client agrees to comply, complete the DHS-754, First Noncompliance Letter, as you would complete in a triage meeting. Note in the client signature box Client Agreed by Phone. Immediately send a copy of the DHS-754 to the client and phone the JET case manager if the compliance activity is to attend JET.

Determine good cause based on the best information available during the triage and prior to the negative action date. Good cause may be verified by information already on file with DHS or MWA. Good cause must be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation.

If the FIS, JET case manager, or MRS counselor do not agree as to whether good cause exists for a noncompliance, the case must be forwarded to the immediate supervisors of each party involved to reach an agreement.

DHS must be involved with all triage appointment/phone calls due to program requirements, documentation and tracking.

**Note:** Clients not participating with JET must be scheduled for a triage meeting between the FIS and the client. This does not include applicants. (PEM 233A, pg.8-9).

In this case, Claimant did not establish good cause for failing to attend JET. She was aware of the need to participate in JET because a Department worker told Claimant she could still attend JET after she missed her JET appointment on September 10, 2009. A Department manager also gave her specific dates that she could attend JET after the missed appointment. Claimant failed to attend JET by September 25, 2008 and the Department mailed a noncompliance notice to the address at [REDACTED] that Claimant had provided the Department on September 9, 2008. A triage meeting was scheduled to give Claimant an opportunity to verify that she could not attend JET. Claimant did not attend the triage meeting. The fact that Claimant was hospitalized on from October 15 through October 20, 2008 is not relevant because both her JET and triage appointments were on dates prior to her hospitalization. Under these circumstances, it is found that the Department properly closed Claimant's case as a sanction for her noncompliance.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed Claimant's FIP case as a sanction for her noncompliance.

Accordingly, the Department's action is AFFIRMED.

/s/ \_\_\_\_\_  
Tyra L. Wright  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: February 9, 2009

Date Mailed: February 12, 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.

TLW

cc:

