

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: 2009-766

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 14, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 May 14, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly sanction Claimant's Family Independence Program (FIP) and Food Assistance Program benefits for failure to fully participate with all requirements of the Jobs Education and Training (JET)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On June 10, 2008 the Claimant was TIRAGED and good cause was found and she was re-referred to JET starting June 16, 2008.

2. The Department granted a deferral to the Claimant for the period of July 7, 2008 until August 4, 2008. The Claimant was to return to JET on August 4, 2008.
3. On August 1, 2008 the JET program requested
4. On September 10, 2008 the Department called the Claimant and instructed the Claimant to go back to JET on September 15, 2008.
5. On September 16, 2008 the Department was informed by JET that the Claimant had failed to attend JET on September 15, 2008.
6. On September 23, 2008 the Claimant filed a hearing request.

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).

Relevant policy section PEM 233A, p. 1:

FIP

DHS requires clients to participate in employment-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate in employment-related activities or refuses to accept employment, without good cause.

A mandatory participant who fails, without good cause, to participate in an employment-related activity, must be penalized.

Noncompliance for mandatory applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failing or refusing to:

- Appear for a scheduled appointment or meeting as required by the Michigan Works! Agency (MWA) or other contractor.
- Participate in employment-related activities required by the MWA or other contractor.
- Accept a job referral as required by the MWA or other contractor.
- Complete a job application as required by the MWA or other contractor.
- Appear for a job interview as required by the MWA or other contractor (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment-related activity.
- Refusing employment support services if the refusal prevents participation in an employment-related activity.
- Refusing suitable employment. Refusing suitable employment means doing **any** of the following:
 - Refusing a bona fide offer of employment or additional hours up to 40 hours per week. A bona fide offer of employment means a definite offer paying wages of at least the applicable federal or state minimum wage. The employment may be on a shift; full or part time up to 40 hours per week; and temporary, seasonal or permanent.

In the present case, the Claimant was sanctioned for failure to attend comply with the JET program. The Claimant failed to return to JET on September 15, 2008 as agreed. The Claimant denied speaking to the Department on September 10, 2008. This Administrative Law Judge finds the Claimant's testimony less than credible. The

documents provided by the Department indicate employment information which appears to have been obtained on September 10, 2008.

The Claimant was instructed to attend JET on September 15, 2008. The Claimant failed to attend as required and therefore the Department correctly placed the Claimant's case in non-compliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department's decision is hereby UPHELD.

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

Date Signed: 5/27/09_____

Date Mailed: 6/1/09_____

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 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.

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