

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: 2009-9411
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 18, 2009
Wayne 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 18, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department act properly in sanctioning Claimant by closing her Family Independence Program (FIP) case for three months due to failure to attend 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 is a FIP recipient.
- (2) The Department scheduled a triage meeting for October 30, 2008 with Claimant due to her missing JET appointments.

(3) Claimant attended the triage meeting on October 30, 2008. At the meeting she was given a First Noncompliance Letter, DHS-754 form, and sent back to the JET program for appointments on November 3, 2008 and November 10, 2008. (See Exhibit 2). Claimant was instructed to return the completed form to the Department by November 10, 2008.

(4) Claimant reported to JET and was given credit for job search activities on November 3 and 10, 2008. (Exhibit 1). Claimant, however, did not return the First Noncompliance Letter by November 10, 2008. The completed First Noncompliance Letter was faxed to the Department on November 14, 2008. (See Exhibit 1).

(5) Because the Department did not receive the completed First Noncompliance Letter by November 10, 2008, Claimant's case was closed for a three month sanction for noncompliance on November 11, 2008. (Exhibit 3).

(6) The Department received Claimant's hearing request on December 23, 2008.

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, pg. 6)

Under PEM 233A, the penalty for a first occurrence of noncompliance on an FIP case is closure for not less than three calendar months. In this case, Claimant did not timely submit the completed First Noncompliance Letter to the Department as instructed. She did not provide the Department with a reason for her failure to timely submit the form other than she took it to the JET office. The fax number of the form appears to be a JET office fax number. Claimant did not report that she had trouble timely submitting the form and did not ask the Department worker for assistance. The fact that Claimant took the form to a JET office instead of submitting it to the Department did not absolve her of the responsibility to submit the form directly to the Department in a timely manner. Claimant did neither. Under these circumstances, the Department properly sanctioned Claimant by closing Claimant's FIP case for three months.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly sanctioned Claimant by closing the FIP case for three months.

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 23, 2009

Date Mailed: March 2, 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/cv

cc:

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