

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.: 2010-14580

Issue No.: 1005

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 15, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on April 15, 2010. The Claimant appeared testified. [REDACTED] FIM appeared on behalf of the Department.

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 a recipient of FIP benefits who was assigned to JET.
2. Claimant was notified that she needed to attend Work First on April 28, 2009.

3. Claimant attended JET orientation on May 5, 2009.
4. On July 29, 2009 notice of noncompliance was sent to Claimant with notice of a triage meeting scheduled for August 3, 2009.
5. Claimant failed to appear at the triage meeting on August 3, 2009.
6. Claimant received the notice of the triage meeting on August 10, 2009.
7. Claimant contacted her caseworker on August 10, 2009 in an effort to reschedule the triage meeting.
8. The JET case worker and the Work First program worker did not testify at hearing.
9. Claimant's FIP case was closed on August 11, 2009 for failing to participate with JET.
10. Claimant requested a hearing on August 23, 2009 contesting the closure of FIP benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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. BEM 230A.

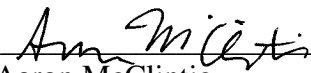
JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 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. BEM 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. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant applied for FIP benefits and was referred to Work First/JET. Claimant went to the Work First agency on May 5, 2009 and completed orientation. Claimant testified that she did not receive notice of the triage meeting scheduled for August 3, 2009 and she did not appear for the meeting. Claimant credibly testified that she received notice of the triage meeting on August 10, 2009, 7 days after the meeting and she attempted to contact her caseworker on that date to reschedule. It should be noted that notice of the triage meeting was sent to Claimant on July 29, 2009 only five days prior to the meeting. This Administrative Law Judge finds that Claimant did not receive notice of the triage meeting and therefore the

Department's closure of FIP was improper. The Jet Case Worker and the Work First worker did not testify at hearing. No record of the original referral to Work First was presented at hearing. No participant history was submitted by the Department at hearing. Also the alleged noncompliance happened in May 2009 nearly 3 months prior to the notice of noncompliance being sent, contrary to Department policy. Department policy dictates that notice of noncompliance be sent within 3 days after learning of the noncompliance. BEM 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's benefits shall be reinstated as of the date of closure, the negative action shall be deleted and the Department shall conduct another triage meeting in accordance with Department policy.

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

Date Signed: May 3, 2010

Date Mailed: May 3, 2010

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.

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