

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: 2010-15953

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 17, 2010

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 March 17, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly sanction Claimant's Family Independence Program (FIP) for failure to complete work related activities?

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 October 8, 2009, the Claimant was scheduled to start orientation. The Claimant did, in fact, go to the programming as prescribed.
2. On October 12, 2009, the Claimant was to return to JET programming and she arrived late and was not allowed to participate.

3. On November 5, 2009, TRIAGE was held. The Claimant indicated she was late due to taking her children to school. The Department determined no good cause.
4. On November 18, 2009, 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 BEM 233A, p. 1:

NONCOMPLIANCE WITH EMPLOYMENT AND/OR

SELF-SUFFICIENCY-RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. **Noncompliance** of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failing or refusing to:

- Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
- Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
- Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).

- Comply with activities assigned to on the Family Self Sufficiency Plan (FSSP) or PRPFC.
- Appear for a scheduled appointment or meeting.
- Participate in employment and/or self-sufficiency-related activities.
- Accept a job referral.
- Complete a job application.
- Appear for a job interview (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 and/ or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

In the present case, the Claimant's FIP case was closed due to failure to attend Work-First/JET. The Claimant testified she was late due to the location of the bus stop and the placement of the Work-First/JET office. Specifically, there is some distance from the bus stop to the Work-First/JET office. This is supported by testimony indicating the Work-First/JET program provides a van from the stop to the building. The Claimant said she was unaware of this option. The Claimant testified the building she went to on October 8, 2009 was different than the building she was sent to on October 12, 2009. The Department testified the Claimant was sent to the same site both days. The Claimant was given additional 10 days to provide her copy of her notice, which she indicated showed a different address. As of April 6, 2010, no such letter has been received.

The Work-First/JET program requires attendees to be on time in order to get credit for the day. Being tardy is not acceptable to the program standards. The Claimant was able to attend

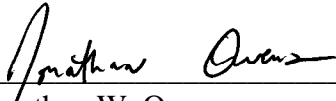
the first day without issue and she failed to tell the program staff of any barriers to attending the program on time. This Administrative Law Judge finds the Claimant's testimony less than credible in regards to the location of the Work-First/JET building. Since the Claimant was sent to the same site, she should have known the length of time needed to arrive timely. The Claimant failed to comply with Work-First/JET rules requiring timely attendance.

Therefore, the Department properly sanctioned the Claimant's case for failure to attend a Work-First/JET appointment as required.

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 AFFIRMED.



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

Date Signed: 04/13/10

Date Mailed: 04/14/10

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 mailing 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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cc:

