

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.: 2010-2267
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
December 10, 2009
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

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 December 10, 2009. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department is correct to 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 an ongoing recipient of FIP benefits.
2. Claimant was required to attend Work First and participate with the JET program.

3. The Department was notified by the claimant on July 31, 2009 through a semi-annual contact report that claimant “lost her job”.
4. A Verification of Employment form was submitted by claimant’s employer on August 28, 2009 that stated that claimant quit the job.
5. Notice of Noncompliance was sent to claimant on August 24, 2009 with a notice of a September 1, 2009 triage meeting.
6. Claimant did not appear at the September 1, 2009 triage meeting and her case was closed effective September 15, 2009.
7. Claimant requested a hearing on September 14, 2009 contesting the proposed closure.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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. PEM 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. PEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. PEM 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. PEM 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. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant was an ongoing recipient of FIP benefits and was referred to Work First/JET. Claimant reported on a semi-annual contact report on July 31, 2009 that she lost her job. Claimant was sent a notice of noncompliance on August 24, 2009 for failing to comply and being in non-compliance with work first because she quit a job. Verification of employment was submitted by claimant's former employer on August 28, 2009 that states that claimant quit the job on July 8, 2009. A triage meeting was scheduled for September 1, 2009, notice was sent to claimant on August 24, 2009. Claimant failed to appear at the triage meeting on September 1, 2009 and her case was closed.

At hearing, claimant testified that she did not receive the notice of the September 1, 2009 triage meeting until September 14, 2009. The notice of the triage meeting is dated August 24, 2009. Claimant acknowledged at hearing that the envelope with the notice of the triage was post

marked August 24, 2009. This Administrative Law Judge finds it less than credible that it took 3 weeks by mail for the notice to get to claimant.

Claimant testified that she was laid off from [REDACTED] that she did not quit. This is not supported by the evidence and again brings into question claimant's credibility. Claimant's former employer stated that she quit. Claimant in her semi-annual contact report state that she "lost job", not that she was laid off.

Claimant testified that she had health problems that prevented her from working. Claimant submitted medical records dated July 23, 2009 and August 25, 2009. These records have a diagnosis of gallstones. These records do not support a finding that claimant is incapable of complying with work requirements due to health problems.

Claimant has not provided sufficient proof of good cause for failing to participate and comply with the requirements of Work First/JET. Accordingly, the Department's closure of FIP benefits was proper because claimant was noncompliant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the closure of FIP benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.



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

Date Signed: 1/12/2010

Date Mailed: 1/12/2010

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 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.

AM/jlg

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