

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: 2010-231

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 29, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 telephone hearing was held on October 29, 2009. Claimant was present and testified. Deb Ordiway, FIM, and Marcus Hayes, Job Developer/JET Coordinator, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly close claimant's Family Assistance Program (FIP) benefits for failure to participate in work related activities?

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) On June 22, 2009, claimant began a six month program at [REDACTED]

(Department Exhibit 1, pg. 2)

(3) On June 29, 2009, claimant reported to Work First that she was homeless but would continue to go to [REDACTED] classes. Work First omitted claimant's hours for the week because she was looking for housing. (Department Exhibit 1, pg. 1)

(4) Claimant did not meet the required participation hours for the weeks of June 22, 2009 and June 29, 2009, but was given the opportunity to look for housing outside of class time rather than study time until the end of July 2009. (Department Exhibit 1, pg. 1)

(5) The week of July 6, 2009 [REDACTED] did not have classes and the parties disagree as to whether claimant was given notice to report to Work First.

(6) On July 27, 2009, Work First referred claimant's case back to the department for a triage meeting because she was not compliant with the required participation hours. (Department Exhibit 1)

(7) Claimant attended the triage meeting on August 5, 2009, however, good cause for the noncompliance was not found and the department planned to close the FIP benefits effective August 28, 2009.

(8) Claimant filed a hearing request on August 5, 2009 to contest the FIP determination.

(9) Due to the timely hearing request, claimant's FIP benefits have remained open pending the hearing outcome.

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 manuals.

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. B 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 Manual Item 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. The penalty for the third and subsequent occurrences is a closure for a minimum of twelve calendar months under the FIP program. BEM Manual Item 233(a). If a customer is found in noncompliance with FIP when they are also a recipient of FAP, their FAP case will also be penalized for a minimum of three months under the JET program. BEM Manual Item 233(b); 42 USC 607. 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 was an ongoing FIP recipient who was participating the JET program through Work First. Claimant was attending classes at [REDACTED] as part of a six month program. Claimant had classes and required study hours at [REDACTED]. However, claimant became homeless and reached an agreement with the JET program to look for housing outside of class time rather than study time until the end of July. The July 7, 2009 case note documents the agreement:

CT [claimant] did not meet required hours for the weeks of 6/22/9 and 6/29/9. She is currently homeless so I am giving her time to look for housing outside of class time rather than have her use it for study time. I am giving her until the end of July before she has to attend [REDACTED] for the full 30 hour week. (Department Exhibit 1, pg. 1)

However, a July 27, 2009 note indicates claimant was assigned to triage for not participating in all required hours at school, specifically the study times. (Department Exhibit 1, pg. 1) The agreement documented above only required claimant to participate in classes and specifically allowed her to miss study time to look for housing. The case note supports claimant's testimony that she believed the full hours of participation at [REDACTED] would not be required again until August.

In addition to not meeting the required participation hours at [REDACTED], the JET program representative testified that claimant was required to report to Work First the week of July 6, 2009 because [REDACTED] did not have classes. The JET program representative testified that he notified claimant of the need to report to Work First that week. Claimant testified she was not notified and the case notes do not document that she was given such notice. The case notes only show that until the end of July, the JET representative agreed that when claimant was not in class, she was allowed to search for housing instead. (Department Exhibit 1 pgs, 1-2)

Based upon the foregoing facts and relevant law, it is found that the claimant had good cause for not meeting the JET participation requirements. The department alleges noncompliance in June and July 2009, however, this is when the JET program agreed to reduce her participation requirements so she could look for housing. Further, the JET case notes do not document that claimant was told to report to JET the week of July 6, 2009 because Career Quest did not have classes.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant had good cause for not meeting the JET participation requirements.

Accordingly, the department's FIP determination is REVERSED. Therefore, it is ORDERED that the claimant's FIP case remain open without penalty.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 9, 2009

Date Mailed: November 10, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

