

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.: 2010-27005
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 17, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing has held in Clinton Township, Michigan on Thursday, June 17, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Claimant established good cause for non-compliance with 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. The Claimant was a FIP recipient.
2. On February 19, 2010, the JET program referred the Claimant's case for triage.

3. On March 4, 2010, a triage was held resulting in a no good cause determination thus the imposition of the 3-month sanction.
4. On March 6, 2010, the Department pended the Claimant's FIP case for closure.
5. On March 17, 2010, the Department received the Claimant's written request for hearing.
6. As a result of the timely hearing request, the negative action was deleted.

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 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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI"), unless deferred, are required to engage in employment or participate in other approved activities. BEM 233A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A Good cause must be verified and documented and may be based upon information already contained in the file. BEM 233A Good cause exists when a client is physically or

mentally unfit for the job or activity as shown by medical evidence or other reliable information. BEM 233A Good cause is based upon the best information available during the triage and prior to the negative action date. BEM 233A If the client does not provide a good cause reason within the negative action period, good cause is determined based upon the best information available. BEM 233A Failure to comply without good cause results in FIP closure. BEM 233A The first and second occurrences of non-compliance results in a 3 month FIP closure. BEM 233A

In the record presented, the Department stated that the Claimant failed to participate with the JET program as required during the first part of February 2010. The Claimant testified credibly that she contacted the JET worker stating she was unable to attend due to illness of her small minor children. As a result of the sickness, the Claimant was unable to bring her children to her regular child care provider. During the hearing, the Claimant submitted medical documentation showing treatment for her three children on [REDACTED] and [REDACTED]. There was no evidence that the Claimant had refused to cooperate. Instead, the Claimant contacted the Department prior to and during the period of non-compliance explaining why she was unable to participate. The children's illness was beyond the control of the Claimant. Ultimately, under these facts, it is found that the Claimant established good cause for the non-compliance. Accordingly, the Department's determination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant established good cause for the JET non-compliance.

Accordingly, it is ORDERED:

1. The Department's determination to terminate the Claimant's FIP benefits is REVERSED.
2. The 3-month sanction is not imposed.

3. The Department shall reinstate the Claimant's FIP benefits from the closure date and supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/23/2010

Date Mailed: 6/23/2010

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.

CMM/jlg

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