

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.: 2010-29015
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 26, 2010
Wayne County DHS (73)

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on April 26, 2010. Claimant appeared at the hearing and testified. [REDACTED], appeared on behalf of the Department of Human Services ("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 in November of 2009.
2. On December 14, 2010, Claimant was referred to triage for poor attendance.
3. On February 4, 2010, a triage meeting was conducted. Claimant was found to have good cause and was referred back to Work First with an 8:30am appointment on February 8, 2010. Claimant was given a “warning.”
4. Claimant appeared at the Work First program on February 8, 2010, at approximately 8:50am.
5. On February 9, 2010, Claimant was referred to triage for failing to appear for her Work First appointment.
6. A triage meeting was held on March 19, 2010.
7. The Department presented no written determination of good cause from the March 19, 2010, triage meeting.
8. Claimant requested a hearing on March 19, 2010, 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”).

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 purposes of employers obtaining skilled workers and job seekers obtaining 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, a triage meeting was held on February 4, 2010. Claimant was found to have good cause for not participating with JET. On February 9, 2010, another triage was requested because Claimant appeared late for her February 8, 2010, appointment. On March 19, 2010, a triage meeting was held. At the hearing, the Department stated that "no good cause" was found at this triage meeting. This triage should have been treated as a first noncompliance

because Claimant was found to have good cause for the previous alleged noncompliance. The “warning” that the Department alleges was given to Claimant following the first triage meeting is not in accordance with Department policy and has no effect. Claimant was not afforded the opportunity to treat this allegation of noncompliance as a first noncompliance, contrary to Department policy. BEM 233(a). In addition, the Department presented no written documentation of the good cause finding from the March 19 triage meeting and stated at the hearing that no document was generated. Written documentation of a good cause determination is required by Department policy. BEM 233(a). This Administrative Law Judge finds that the Department has failed to follow Department policy in processing the alleged noncompliance for closure. Accordingly, the Department’s closure of FIP benefits was improper.

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 a supplement shall be paid for any missed benefits.



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

Date Signed: May 11, 2010

Date Mailed: May 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.

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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.

AM/pf

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