

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: 2010-38148  
Issue No: 1035  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
September 1, 2010  
Mecosta County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an EXPEDITED in-person hearing was held on September 1, 2010, in Big Rapids. Claimant personally appeared and testified under oath.

The department was represented by Pam Lewis (FIM) and Kim Kilmer (FIS).

ISSUE

Did the department correctly decide to sanction claimant's FIP case due to claimant's failure to comply with her Work First assignment on May 3, 10, and 17, 2010 without good cause?

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 is currently receiving FIP (\$492 per month).

(2) Claimant lives in [REDACTED] and has unreliable USPS mail service. This phenomenon has been present for a year or more.

(3) All adult able-bodied FIP recipients are required to participate in Work First as a condition of ongoing FIP eligibility, if they are not otherwise gainfully employed.

(4) In May 2010, claimant was not gainfully employed.

(5) Claimant requested a medical deferral from the Work First program so she would not have to participate in Work First.

(6) On April 5, 2010, a licensed consulting physician and a DHS/MRT Disability Examiner decided that claimant was not disabled for Work First purposes. The MRT reviewed a recent report by claimant's personal physician, prior to finding claimant not disabled.

(7) On April 27, 2010, the JET caseworker assigned claimant to attend Work First orientation on one of the following dates: May 3, 10, or 17, 2010. This assignment was mailed to claimant at her address of record. Due to mail problems, claimant did not receive the notice.

(8) Claimant failed to attend Work First on May 3, 10, or 17, 2010.

(9) On May 18, caseworker placed claimant's cases into negative action. The negative action date was July 1, 2010.

(10) The May 18, negative action notice invited claimant to attend a Triage meeting with the JET caseworker on May 28, 2010.

(11) Claimant did not attend the May 28, 2010 Triage meeting.

(12) On June 1, 2010, claimant filed a timely hearing request.

(13) On June 1, 2010, the caseworker pended the FIP closure due to claimant's hearing request.

(14) Claimant thinks she should be excused from her Work First Noncompliance determination for three reasons: (a) she is disabled and unable to work; (b) she did not receive her Work First assignment due to chronic problems with the USPS; (c) she is unable to drive due to the side effects from her medications.

### 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).

The following departmental policies outline the applicable employment requirements for FIP recipients assigned to Work First:

DHS requires clients to participate in employment-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so that they can participate in activities that lead to self-sufficiency. However, there are consequences for a client who refuses to participate in employment-related activities or refuses to accept employment, without good cause. PEM/BEM 233A.

### MECOSA COUNTY JET POLICY

The JET caseworker must explain to claimant that the Mecosta County JET policy requires FIP recipients to participate in the Michigan Works program as a condition of ongoing eligibility for benefits. PEM/BEM 229, 230A, 233A, and 233B. See also PEM/BEM 220.

The preponderance of the evidence in the record shows that the JET caseworker properly assigned claimant to attend Work First. Claimant was first assigned to attend Work First on either of the following dates: May 3, 10, or 17, 2010. Claimant failed to attend Work First and told her worker that she was unable to do so for medical reasons.

The MRT determined that claimant was not disabled for Work First purposes.

Based on claimant's repeated failure to attend Work First as assigned, or in the alternative to establish a legitimate medical reason for her failure to attend Work First, the JET caseworker correctly decided to sanction claimant's FIP case on May 28, 2010.

After a careful review of the record, the Administrative Law Judge concludes there is no evidence of arbitrary or capricious actions by the DHS in its decision to sanction claimant's FIP case due to noncompliance.

The record shows that the JET caseworker made numerous reasonable attempts to accommodate claimant so that she could complete her Work First assignment. However, for reasons not entirely clear, claimant failed to make use of the caseworker's willingness to accommodate her special requirements.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's Work First sanctions are correct.

Accordingly, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

/s/  
\_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 24, 2010

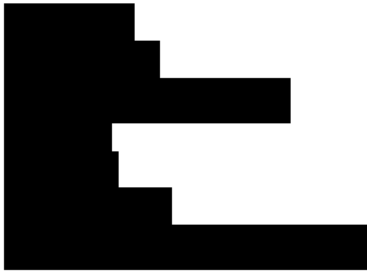
Date Mailed: September 24, 2010

**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.

JWS/tg

cc:

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