

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201044303
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 18, 2010
Macomb County DHS

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 August 18, 2010. The Claimant appeared and testified. [REDACTED], FIS appeared on behalf of the 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.
2. On June 11, 2010 Claimant had 21 absence hours.
3. On June 16, 2010 Claimant was assigned to triage for noncompliance for failing to participate in required activity.
4. Notice of Noncompliance was sent to Claimant with notice of a July 8, 2010 triage meeting.

5. On July 8, 2010 a triage meeting was held and the Department determined that Claimant was noncompliant and did not have good cause for noncompliance.
6. On August 1, 2010 Claimant's FIP case closed and a 1 year sanction was imposed because this was Claimant's third instance of noncompliance.
7. Claimant requested hearing on July 11, 2010 contesting the closure and sanction 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).

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. 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 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 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, Claimant was a FIP recipient that was assigned to JET. Claimant had excessive absence hours for the month of June 2010 and her case was assigned

for triage. Claimant is pregnant and suffers from thyroid cancer. However, at hearing she agreed that these medical issues do not prevent her from participating with Work First. Claimant had 21 absence hours on June 11, 2010. Claimant explained one absence with a medical appointment. Claimant explained some absences with transportation issues. Claimant explained late job logs because of a mix up with the due date. Claimant's excuses and explanations are inadequate and do not rise to the level of good cause. BEM 233(a). Notably, Claimant exceeded the monthly absence hours on June 11, 2010, there were 19 days left in the month. Presumably if her case had not been referred to triage she would have continued to collect absence hours. Claimant has failed to meet the requirements of JET without good cause and the Department has followed the correct procedures to close her FIP case. BEM 233(a). Therefore the Department's actions are proper and correct.

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 Claimant's FIP benefits and imposition of 1 year sanction, and it is ORDERED that the Department's decision is hereby AFFIRMED.

/s/



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

Date Signed: September 1, 2010

Date Mailed: September 1, 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 mailing 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.

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