

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-49677
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Oakland County DHS (02)

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 was held in Madison Heights, Michigan on Wednesday, October 6, 2010. The Claimant appeared and testified. [REDACTED], [REDACTED] and [REDACTED] (via telephone) appeared on behalf of the Department.

ISSUE

Whether the Department properly pended the Claimant's cash assistance benefits ("FIP") for closure based on the failure to fully participate in 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 is a FIP recipient.
2. On May 3, 2010, the Claimant attended JET orientation and signed the Contract/Service Agreement acknowledging the requirements of the program. (Exhibit 1)
3. The Claimant was required to work 30 hours per week at a non-profit organization beginning June 1, 2010. (Exhibits 3, 4)
4. The Claimant did not meet the 30 hour requirement. (Exhibits 2, 5)

5. On June 16, 2010, the Claimant was referred to triage due to the failure to meet the volunteer hours. (Exhibit 2)
6. On July 6, 2010, the Department sent a Notice of Non-compliance to the Claimant instructing her to appear for triage on July 16, 2010. (Exhibit 6)
7. On July 16, 2010, a triage was held but the Claimant left before its completion. (Exhibit 2)
8. A triage was held on July 28, 2010 resulting in a no good cause determination.
9. The Claimant refused to sign the First Non-compliance letter. (Exhibit 7)
10. On August 3, 2010, the Department received the Claimant's written request for hearing. (Exhibit 8)

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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program replaced the Aid to Dependent Children 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") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 228 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related 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 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 The third occurrence results in a 12 month sanction.

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A In processing a FIP closure, the Department is required to send the client a notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A In addition, a triage must be held within the negative action period. BEM 233A A good cause determination is made during the triage and prior to the negative action effective date. BEM 233A

In this case, the Claimant agreed/acknowledged that she was required to complete 30 hours of volunteer work beginning June 1, 2010. The Claimant failed to complete the volunteer hours required, falling 54 hours short during the first two weeks. The Claimant testified that she was required to complete only 6 hours per week. Based on the testimony presented and the documentation submitted, the Department was clear regarding the 30 hour volunteer requirement. The Claimant failed to establish good cause for the non-compliance. Ultimately, the Department established that it acted in accordance with department policy when it pended the Claimant's FIP benefits for closure due to non-compliance. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department acted in accordance with policy when it pended the Claimant's FIP benefits for closure due to non-compliance.

Accordingly, it is ORDERED:

1. The Department's determination to terminate the Claimant's FIP benefits is AFFIRMED.
2. A 3-month FIP sanction is imposed due to the JET non-compliance.

Colleen M. Mamelka

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

Date Signed: 11/12/2010

Date Mailed: 11/12/2010

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. 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.

CMM/jlg

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