

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: 2010-51852
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 26, 2010
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 October 26, 2010. Claimant personally appeared and testified. Department's representative as well as two JET Career Developers participated in the hearing on behalf of the department.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in August, 2010?

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 FIP recipient and a mandatory Work First (WF) participant.

2. On August 3, 2010 department received a notice from WF that the claimant had been assigned to triage due to her alleged non-compliance in this program.

3. On August 9, 2010 department mailed the claimant a triage appointment notice for August 18, 2010.

4. Claimant appeared at the triage and was unable to provide good cause for falsifying her job search log and for failing to follow JET guidelines and participation. Claimant also stated that she did not understand how she was expected to apply for so many jobs each week when there “aren’t any jobs out there”. (JET Update/View Case Notes of August 18, 2010).

5. Claimant stated she had not discussed this issue with her career developer, and also stated she had not performed her community service as she did not have to because she was in school.

6. Triage follow up note from August 19, 2010 indicates that the claimant had not provided any documentation to JET staff that she was in school or that she was unable to participate in community service.

7. Claimant’s job logs submitted to JET on August 2, 2010 show that she had applied for several jobs, but then two weeks later she applied for many of the same ones, in violation of JET policy that states a participant can only apply for the same job once every 30 days.

8. Claimant also listed on the job search log four follow ups on July 30, 2010, but per JET policy job search logs must not contain more than 2 follow ups per week.

9. Claimant’s improper job search and completion of job search logs in violation of JET policies are considered falsification by JET staff.

10. Claimant signed My Contract With Michigan Works!, JET Orientation Rules and Expectations, Job Search Activities, Job Search Guidelines and Check-In Schedule, and Michigan Works Code of Conduct forms on May 17, 2010, indicating her understanding of all of the rules and requirements. (Exhibit 3, pages 6-10).

11. The forms contain detailed explanations of what is expected of JET participants, how to do the job search, what are allowed actions, etc.

12. Department found no good cause for claimant's failure to participate in the JET program as required. Department then took action to terminate claimant's FIP benefits for one year, due to this being claimant's third instance of non-compliance with the JET program. Claimant requested a hearing on August 27, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

That the claimant was a mandatory JET participant is not in dispute. BEM 230A. Any JET participant that fails to complete required JET activities is subject to sanctions. BEM 233A. Claimant had also signed numerous JET forms that advise in detail what she is required to do, and acknowledged by her signature on such forms that she understood all of the stated rules and requirements (see Statement of Fact #10). My Contract With Michigan Works! form has a

sentence stating “I agree to contact my Career Developer if I have any questions regarding my Michigan Works!/JET requirements. JET Orientation Rules and Expectations form explains school activity and that a class or training schedule must be turned-in before the claimant can be excused from portions of the other JET requirements. This form also speaks to community service requirement of 10 or more hours per week. Job Search Activities form states that “If a job seeker has a barrier that is affecting their job search, it is their responsibility to contact their career developer to discuss that issue” and under Missed Assignments heading “If a job seeker’s job search logs are turned in, but are not complete, that also may be counted as a missed assignment”. Job Search Guidelines and Check-In Schedule form states that a participant can only apply for the same job once every 30 days, and that the job search logs must not contain more than 8 online applications or 2 follow-ups per week.

Claimant did not follow these very specific instructions when attempting to fulfill her job search requirements. Claimant also did not contact JET staff to discuss her stated inability to apply for many jobs due to there not being any jobs in Benton Harbor. Claimant did not opt to do community service either as she was allegedly going to school. Claimant testified that she started attending GED classes in August, 2010 [REDACTED] istries, but they refused to complete any forms for Work First. Claimant’s JET non-compliance however occurred prior to August 3, 2010, when JET staff placed her into triage, so her alleged school attendance would not interfere with JET compliance as it did not exist at the time according to claimant’s own hearing testimony. Lastly, this is claimant’s third instance of JET noncompliance and she should be very familiar with the program requirements and what is considered noncompliance due to her previous involvement with the program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FIP benefits in August, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 29, 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.

IR/tg

cc:

