

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.: 2010-544
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 5, 2009
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on November 5, 2009 claimant was present and testified along with her mother [REDACTED] [REDACTED] case manager and [REDACTED] JET coordinator appeared for the department and testified.

ISSUE

Did the Department properly closed 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 an ongoing recipient of FIP benefits.

2. On May 11, 2009 the Medical Review Team determined that claimant was not disabled and not entitled to a deferral from JET/Work First.
3. Claimant was referred to JET/Work First on May 17, 2009.
4. Claimant did not appear for her JET/Work First appointment.
5. On June 2, 2009 notice of Noncompliance was sent to claimant with a notice of a June 17, 2009 triage meeting.
6. Claimant submitted a Medical Needs form completed by [REDACTED] and dated June 8, 2009 at the triage meeting.
7. A form dated May 5, 2009 that assesses claimant's ability to work was completed by [REDACTED].
8. At the triage meeting on June 17, 2009 the Department determined that good cause did not exist for claimant's failure to participate in required activity and gave claimant notice that her benefits would close on June 26, 2009.
9. Claimant requested a hearing contesting the proposed FIP closure on September 18, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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. PEM 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. PEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. PEM 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. PEM 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. PEM Manual Item 230(a), PEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, claimant was an ongoing recipient of FIP benefits and was referred to Work First/JET after the Medical Review Team determined that claimant was not disabled and not entitled to a deferral from JET/Work First. Claimant was sent a notice of noncompliance on June 2, 2009 for failing to participate in required activity and being in non-compliance with work first. A triage meeting was scheduled for June 17, 2009. At the triage meeting on June 17, 2009

the department determined that good cause did not exist for being in non-compliance with work first.

At hearing, Claimant testified that her health problems prevented her from working. Two separate assessments by claimant's treating physician [REDACTED] were presented at hearing. These assessments assert that claimant cannot lift more than 10 pounds and should not lift anything while twisting/turning. The medical needs form states that claimant needs assistance with housework. Claimant also suffers from bipolar disorder and has received a GAF score of 48.

Claimant has provided sufficient proof of good cause for failing to participate in Work First/JET. 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 and that claimant's FIP benefits be reinstated to the date of closure.



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

Date Signed: 11/23/09

Date Mailed: 11/23/09

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.

AM/jlg

cc:

A large black rectangular redaction box covers the text in the 'cc:' field. The redaction is composed of several overlapping horizontal bars of varying lengths, creating a stepped effect on the right side.