

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201054847
Issue No: 1038
Case No: [REDACTED]
Load No: 8276000000
Hearing Date:
[REDACTED]
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 hearing was held on [REDACTED].

ISSUE

Did the Department of Human Services (DHS) correctly impose a negative case action and three month sanction upon the claimant for non-compliance with work-related activities?

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 in Wayne County.
- (2) Claimant failed to comply with the JET program in [REDACTED]
- (3) A triage was held in [REDACTED]
- (4) Claimant was found noncompliant and agreed to the conditions of a DHS-754 to avoid penalty.

- (5) Claimant agreed to return to JET and participate with the requirements of the program on [REDACTED]
- (6) Claimant returned to JET but did not comply with dress code requirements.
- (7) Claimant was warned several times during her compliance testing period to abide by the dress code.
- (8) Claimant had signed forms acknowledging and agreeing to the dress code in [REDACTED]
- (9) On [REDACTED], claimant was dismissed from the JET program for failing to adhere to JET requirements.
- (10) Claimant did not offer any proof or verification of good cause for failing to adhere to JET requirements.
- (11) A determination of no good cause was made.
- (12) This is claimant's first alleged incident of noncompliance.
- (13) On [REDACTED], claimant's FIP case was placed into closure.
- (14) On [REDACTED] claimant requested a hearing, stating that she disagreed with the Department's action.

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 Bridges Reference Manual (BRM).

All Family Independence Program (FIP) and Refugee Assistance Program (RAP) eligible adults and 16- and 17-year-olds not in high school full-time must be referred to the Jobs, Education and Training (JET) Program or other employment service provider, unless 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 to find employment. BEM 230A, p. 1. A cash recipient who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A, p. 1. This is commonly called "noncompliance". BEM 233A defines noncompliance as failing or refusing to, without good cause:

“...Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider...” PEM 233A pg. 1.

However, a failure to attend work related activities can be overcome if the client has "good cause". Good cause is a valid reason for failing to attend employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the claimant. BEM 233A. A claim of good cause must be verified and documented. The penalty for noncompliance is FIP closure. However, for the first occurrence of noncompliance, on the FIP case, the client can be excused, with certain conditions, as outlined on a DHS-754, First Noncompliance Letter; claimant was offered a DHS-754. If claimant signs the DHS-754, claimant will be returned to JET without loss of benefits. BEM 233A. Claimant must then show their willingness to participate by adhering to the

requirements of the JET program for 10 days. The Department alleges that in the current case, claimant failed to adhere to the requirements of the JET program following her return to the program after the signing of the DHS-754.

The Department testified credibly that claimant failed to adhere to the JET requirements during her compliance test. Case notes submitted into evidence show that claimant repeatedly, despite warnings, failed to follow the dress code requirements for the JET program. Claimant was dismissed from the JET program and failed her compliance test because of the dress code violations in question.

Claimant stated that she was unaware of the dress code requirements and thus did not intend to violate JET policy.

After consideration of the evidence record, the undersigned finds claimant's testimony highly unlikely.

On [REDACTED] claimant signed a copy of the JET dress code policy, agreeing to abide by the policy, and indicating her awareness that a violation of the policy could be cause for removal from the JET program for noncompliance. Among other things, the dress code bans revealing clothing, sleeveless dresses, and extraordinary hair color.

Claimant appeared at JET, during the compliance period, wearing combinations of all these banned items. Furthermore, claimant was warned during the compliance period several times; claimant appeared to ignore these warnings, and continued to dress in violation of the policy. Claimant had also been warned before the incidents in question.

Because claimant had signed a copy of the policy, and because the claimant was warned about the policy, both during and before the compliance period, the undersigned

does not believe that claimant was unaware of the dress code requirements. Thus, as claimant was aware of the dress code requirements, but did not adhere to them, claimant was in violation of JET policies. As claimant was in violation of JET policies, claimant was non-participatory. Without good cause, claimant is thus non-compliant. Claimant has not offered any verification of good cause either prior to, or at, the hearing. Therefore, as claimant was non-participatory, and failed to present evidence of good cause, the undersigned can only hold that claimant was noncompliant, and the Department was correct when it closed claimant's FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant did not have good cause for her failure to participate in work-related activities, and is therefore, noncompliant.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/03/11

Date Mailed: 05/05/11

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.

RJC/dj

cc:

[REDACTED]

Wayne County DHS (Dist #76)

[REDACTED]

Administrative

Hearings