

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: 2010-5748

Issue No: 1013

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 28, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on January 28, 2010. The Claimant appeared and testified. Charles Forster, JET Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly issued a negative action and closed Claimant's Family Independence Program ("FIP") benefits effective 10/21/09 for a failure to attend Work First?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was an active FIP recipient who had been referred to Work First.
2. Claimant missed mandatory Work First (JET) participation hours in September, 2009. (Exhibit 1, pp. 1-4).
3. A triage was scheduled and was not attended by Claimant.

4. Claimant testified that she missed Work First and was unable to attend the triage because she was caring for her mother who had undergone surgery and was discharged from the hospital on 8/24/09. Claimant testified that she bathed her mother and cleaned her PICC line.
5. Claimant supplied medical records to document her mother's medical condition. (Exhibit 1, pp. 5-8).
6. Claimant testified that she lives with her parents and that during the period Claimant's mother was recovering from surgery, Claimant cared for her mother and her two year old child. Meanwhile, Claimant's father cared for Claimant's disabled brother.
7. A notice of noncompliance was issued on 10/10/09 effective 10/21/09.
8. On October 29, 2009, the Department received the Claimant's written hearing request.
9. Claimant is currently still receiving 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 (formerly known as the Family Independence Agency) 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 Reference Tables (RFT).

Federal and State laws require each work eligible individual in a 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. BEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. BEM 233A. Failure to appear at a JET program results in noncompliance. Id.

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 at 4. Good cause includes being physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information. It also includes having an immediate family member with an illness or injury that requires in-home care by the client. Id. The penalty for noncompliance without good cause is FIP closure. Id. at 6. If good cause is established the negative action is to be deleted. Id. at 12.

In this case, the Claimant provided credible testimony that she was providing home care to her mother following the mother's 8/24/09 discharge from the hospital. The Administrative Law Judge finds it reasonable that Claimant's homecare services were needed as Claimant also has a disabled brother and a two year old child in the household. As there was no-one to testify from JET, the undersigned is unable to accurately determine exactly which hours were missed by Claimant. However, Claimant did provide documentation supporting her testimony that her mother had undergone surgery, was discharged from the hospital on [REDACTED] with a PICC line, and was to be off for at least ten days. Accordingly, the undersigned finds that Claimant has shown good cause for missing attending Work First as she had an immediate family member with an illness or injury that required home care by the Claimant.

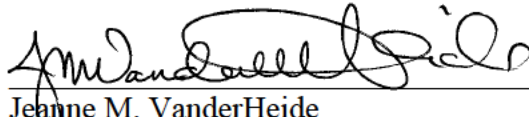
Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's negative action for noncompliance effective 10/21/09 shall be deleted.
2. The Department shall supplement the Claimant with any lost benefits she was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/09/10

Date Mailed: 03/11/10

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.

JV/dj

cc:

