

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.: 2010-11020

Issue No.: 1005

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 29, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 telephone hearing was held on March 29, 2010. The Claimant appeared with her daughter [REDACTED] and both testified. [REDACTED] FIM, [REDACTED], and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether 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 who was assigned to JET.

2. On August 26, 2010 Claimant was notified that she needed to complete a Family Self Sufficiency Plan within 30 days.
3. On September 8, 2009 Claimant failed to participate in required activity and her case was assigned to triage.
4. A medical needs form dated September 15, 2009 was completed by Claimant's physician [REDACTED].
5. A letter from [REDACTED] dated September 15, 2009 was submitted that states "Ms [REDACTED] has been unable to wrok(sic) due to Myositis and CTS, and depression."
6. A letter dated November 13, 2009 was submitted by [REDACTED] that states "Ms. [REDACTED] has Disc herniation L4-L5 and Carpal tunnel syndrome. At times she has inflammation of her joints. Patient also, suffer from Depression."
7. On October 22, 2009 notice of Noncompliance was sent to Claimant with a notice of a November 4, 2009 triage meeting.
8. A benefit notice was sent to Claimant informing her that FIP benefits were closing.
9. Claimant completed her family self-sufficiency plan on December 7, 2009.
10. Claimant requested a hearing contesting the proposed closure on November 16, 2009. Benefits have continued pending the hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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. BEM 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. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 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. BEM 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. BEM Manual Item 230(a), BEM 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. Claimant was sent a notice of noncompliance on October 22, 2009 for failing to participate and being in non-compliance with work first.


At hearing, Claimant testified that she had significant health problems that prevented her from participating with Work First. Claimant submitted a medical needs form and a letter from her physician [REDACTED], both are dated September 15, 2009. On the medical needs form in response to the question "Can patient work at usual occupation?" Neither yes or no is checked, there is a notation that states "when hands hurt-hard to work". The letter states that "Ms. [REDACTED] [REDACTED] has been unable to work due to Myositis and CTS and depression." The question is whether these documents support a finding that Claimant had good cause for failing to participate with JET. This Administrative Law Judge is satisfied that the statements from Claimant's treating physician provide adequate proof that Claimant had good cause for failing to participate with the JET program.

Claimant was required to complete a family self sufficiency plan within 30 days when she was referred to JET on August 26, 2009. BEM 228 Claimant stated in her hearing request and at hearing that "Ms. [REDACTED] told me I didn't have to do a FAFSA because I had one on file." Ms. [REDACTED] was not available to testify at hearing and the Department presented no evidence refuting Claimant's testimony. Claimant participated with JET in the past, so it is understandable that someone may have told her she did not need to complete a new plan. Claimant completed her family self sufficiency plan on December 7, 2009.

Claimant has provided sufficient proof of good cause for failing to participate in Work First/JET and for failing to complete a family self sufficiency plan. Accordingly, the Department's closure of FIP benefits was unwarranted and 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. Claimant's FIP benefits shall be reinstated as of the date of closure.

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

Date Signed: _____

Date Mailed: _____

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.

AM/hw

cc:

