

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.: 2010-11877

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 and 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 approved for FIP benefits in July 2009.

2. Claimant failed to attend work first orientation on July 27, 2009 or September 14, 2009. Notices for these appointments were sent on July 16, 2009 and September 8, 2009.
3. On October 14, 2009 notice of Noncompliance was sent to Claimant with a notice of an October 21, 2009 triage meeting.
4. At the triage meeting on October 21, 2009 the Claimant failed to appear.
5. On October 22, 2009 a benefit notice was sent to claimant informing her that FIP benefits were closing.
6. Claimant requested a hearing contesting the proposed closure on November 17, 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. Claimant was sent a notice of noncompliance on October 14, 2009 for failing to participate and being in non-compliance with Work First. A triage meeting was scheduled for October 21, 2009. At the triage meeting on October 21, 2009 the Claimant failed to appear.


At hearing, Claimant testified that she did not receive the notices for the July 27, 2009 appointment or the September 14, 2009 appointment. Claimant testified that her landlord prevented her from receiving her mail. Claimant testified that she received notice of the triage meeting on the day of the meeting and was not able to make the appointment because her son was in the hospital. She testified that she called the Department but no one answered and she did not leave a message. The Department submitted sufficient documentation that appointment notices were sent to Claimant at her address of record. Claimant should have taken swifter action

to resolve her mail issues. Receipt of FIP benefits requires active participation with JET, a Claimant cannot allow themselves to be unreachable for several months. The Department gave Claimant a second appointment notice when they could have taken steps to close her case after the first missed appointment.

Claimant has not provided sufficient proof of good cause for failing to participate in Work First/JET. Accordingly, the Department's closure of FIP benefits was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

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

Date Signed: April 08, 2010

Date Mailed: April 14, 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 60 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/hw

cc:

