

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.: 2010-27051
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 19, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 19, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Family Independence Program benefits due to noncompliance with Jobs, Education and Training (JET) participation.

FINDINGS OF FACT

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

1. As of 12/2009, Claimant was an ongoing FIP recipient.
2. As of 12/2009, Claimant was an ongoing JET participant.
3. Claimant stopped attending JET beginning 12/7/09.

4. DHS scheduled a phone triage for 1/19/10 concerning Claimant's stopped JET attendance.
5. At the triage, Claimant alleged that she had a severe gum disease which required a complete teeth extraction on 12/10/09 and 12/11/09. Exhibit 3.
6. Claimant also alleged that she was unable to return to JET following the extraction due to severe pain medication that she was taking.
7. DHS found that Claimant lacked good cause for her JET absences and initiated closure of Claimant's FIP benefits on 2/18/10 with FIP benefit termination to occur on 3/1/10 due to noncompliance with JET participation.
8. Claimant submitted a hearing request on 3/1/10 regarding termination of her 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 Manual (RFT).

Federal and state laws require each work eligible individual (WEI) in the FIP and RAP group to participate in the JET Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 2301 at 1. All WEIs who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. BEM 233A. If DHS find that a client is not sufficiently participating with JET,

they must schedule a triage to discuss noncompliance and good cause for Claimant's lack of participation. BEM 233A. If DHS concludes that a client lacked good cause for not participating in JET then FIP benefits should be terminated and the client is disqualified for some period of time depending on the number of previous disqualifications. *Id.*

In the present case, Claimant unquestionably established good cause for her absence from JET on 12/10/09 and 12/11/09. Claimant submitted medical documents (Exhibit 3) which verified a full-mouth teeth extraction for those days. Such a severe medical procedure is considered an illness that meets the good cause requirement of BEM 233A. Claimant should also expect a reasonable amount of recovery time following the extraction due to the extreme nature of the medical procedure.

Claimant however missed three full days of JET participation (12/7/09-12/9/09) prior to her oral surgery. Exhibit 2. Claimant also failed to contact DHS about returning to JET until she was scheduled for her 1/19/10 triage meeting. Claimant responds that she did not have teeth reinserted until 1/15/10 which should be good cause for her lack of attendance.

Claimant's circumstances are somewhat persuasive for a finding of good cause; however, Claimant's absences prior to her surgery coupled with her failure to return to JET within one month after her surgery cannot be overlooked. It is found that Claimant was noncompliant with JET participation and that Claimant's dental procedures are persuasive for finding good cause for some of Claimant's absences from JET, but Claimant failed to establish good cause for her remaining absences.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefits due to noncompliance with mandatory JET participation.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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.

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