

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.: 201029652

Issue No.: 1021

Case No.:

[REDACTED]

Load No.:

Hearing Date:

May 3, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant [REDACTED] 400.9 and MCL 400.37 upon the Claimant's request for hearing on March 31, 2010. After due notice, a telephone hearing was conducted on May 3, 2010 from Detroit, Michigan. The Claimant appeared and testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly issued a negative action and closed Claimant's Family Independence Program ("FIP") benefits for a failure to attend Work First effective 2/17/10?

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 was referred to Work First.

2. Claimant gave birth to her son on December 19, 2008. Following the birth of her son, Claimant was experiencing back pain.
3. On 10/26/09, Claimant was a no call, no show for Work First. Claimant also did not contact Work First further regarding her education.
4. Claimant testified that the reason she missed Work First was due to back pain following the birth of her son.
5. On November 23, 2009, Claimant had a meeting with Work First case manager about going to school for nursing. (Exhibit 1, p. 5).
6. A triage was scheduled on 1/7/10. Claimant did not appear. Claimant testified that she did not receive notice of the triage.
7. The Department terminated FIP benefits effective 2/19/10.
8. On March 31, 2010, the Department received the Claimant's written hearing request. Claimant testified that her treating physician is retired and she is unable to obtain any treatment records.
9. The record was left open to allow Claimant to submit evidence of her medical condition.
10. Claimant submitted evidence of an emergency room admission on 7/13/09. (Exhibit A).
11. Claimant is currently attending nursing classes.

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. Good cause also includes having appropriate, suitable, and affordable child care within reasonable distance of the client's home or work site. The care must be appropriate to the child's age, disabilities and other conditions. 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 testified that she was unable to attend Work First due to back pain. The Department did not provide any testimony from Work First, but the Update/View Case Notes do not indicate that Claimant was having any medical issues at


the time she missed her scheduled hours. The Claimant submitted evidence of an emergency room admission on 7/13/09. However, this is more than three months prior to the missed date in question, 10/23/09. The Administrative Law Judge sympathizes with Claimant that she is unable to obtain records from her treating physician. However, the evidence that is before this Judge does not show Good Cause for Claimant missing Work First. Therefore, the undersigned finds that Claimant has not shown good cause that Claimant was physically incapable of performing the JET requirements. Furthermore, Claimant may have been deferred from Work First for her schooling, but that did not start until January.

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

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination to close Claimant's FIP case for noncompliance effective 2/17/10 is upheld.

Accordingly, it is ORDERED that the Department's 2/17/10 closure of Claimant's FIP case is AFFIRMED.

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

Date Signed: May 28, 2010

Date Mailed: May 28, 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.

JV/htw

cc:

