

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.: 2010-30774
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 27, 2010
Macomb County DHS (12)

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 27, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Family Independence Program (FIP) benefits effective 3/2010; due to Claimant's failure to attend 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 FIP recipient since at least 3/2009 when Claimant was deferred from JET participation due to the birth of a child.

2. On 2/5/10, DHS mailed Claimant a notice of JET appointment for 2/22/10 at 8:30 a.m.
3. Claimant failed to attend her 2/22/10 JET appointment because she knew she would be tardy after having to accompany her child to school on public transportation. Exhibit 2.
4. On 3/2/10, DHS mailed Claimant a Notice of Noncompliance scheduling Claimant for a 3/10/10 triage at 9:30 a.m. Exhibit 4.
5. Claimant failed to attend her 3/10/10 triage because she believed that she would again be tardy.
6. DHS found that Claimant lacked good cause for her 2/22/10 failure to attend JET. Exhibit 5.
7. On 3/10/10 DHS initiated termination of Claimant's FIP benefits due to Claimant's noncompliance with JET participation. Exhibit 6.
8. Claimant submitted a hearing request on 4/3/10 regarding termination of 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).

FIP provides temporary cash assistance to support a family's movement to self-sufficiency. FIP recipients 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 a FIP benefits group to participate in JET or other employment-related activities unless deferred or engaged in activities that meet participation requirements. BEM 230A at 1.

Failure to participate with JET may result in a finding of noncompliance unless a WEI can establish good cause for the failure. BEM 233A at 2. For those clients believed to be noncompliant with JET participation, DHS is to schedule a triage to provide the opportunity for the client to establish good cause for the lack of JET participation. *Id* at 7. If good cause is established for the absence then the client is returned to JET without penalty for continued participation. If the WEI fails to establish good cause then DHS may initiate closure of the client's FIP benefits including a disqualification which impacts future FIP benefit applications.

Claimant contends that she had good cause for her failure to report to JET on 2/22/10. Claimant states that her obligation to accompany her child to school would have made her late for JET and therefore she could not go. Claimant further contends that she contacted her specialist and requested a different date to attend JET.

Claimant's arguments are not persuasive. Claimant contends that expected tardiness is a basis for good cause. The undersigned would find Claimant's argument more persuasive if she actually attended JET, albeit late; instead, Claimant simply never went. Claimant also was not particularly credible as she also stated she was confused about where to report and contacted her specialist for clarification without receiving a return call. The address of where to report was clearly listed on the JET Appointment Notice, Exhibit 2.

Claimant's failure to attend her triage also hurt Claimant's argument. The triage was scheduled later than her JET appointment and again Claimant failed to attend due to anticipated tardiness. Again, had Claimant attended late, her argument would be more persuasive than not attending at all. It is found that DHS established noncompliance by Claimant due to Claimant's

lack of JET participation and that DHS followed all necessary policies in terminating Claimant's FIP benefits following the noncompliance.

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.

Christian Gardocki

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

Date Signed: 06/08/2010

Date Mailed: 06/08/2010

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.

CG/cp

cc:

