

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.: 2010-33396
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 3, 2010
Wayne County DHS (76)

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 Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 3, 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 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 benefits recipient.
2. Claimant had a 20 hour per week JET requirement.
3. Claimant completed 19.5 hours of JET participation during the week beginning 1/3/10.

4. Claimant completed 14.5 hours of JET participation during the week beginning 1/10/10.
5. Claimant completed 14.0 hours of JET participation during the week beginning 1/17/10.
6. Claimant completed 10.5 hours of JET participation during the week beginning 1/24/10.
7. A triage was held on 3/25/10 due to Claimant's failure to meet her weekly JET participation requirements.
8. Claimant did not assert good cause and claims that she met her weekly participation requirement.
9. DHS terminated Claimant's FIP benefits on 4/19/10 due to Claimant's noncompliance with JET participation.
10. Claimant submitted a hearing request on 4/29/10 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).

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 group to participate in the 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. A client's JET participation may be interrupted by occasional illness or unavoidable event; the absence may be excused up to 16 hours in a month but no more than 80 hours in a 12-month period. BEM 230A at 22. For those clients believed to be noncompliant with JET participation, DHS is to hold a triage to provide the opportunity to the WEI to establish good cause for the lack of JET participation. *Id* at 7. If good cause is established for the absence then the client returns to JET for continued participation. If the WEI fails to establish good cause then DHS may initiate closure of the client's FIP benefits including a period of disqualification.

In the present case, DHS established that Claimant was absent from JET participation for approximately 21 hours during 1/2010. Claimant received a warning letter regarding her absences prior to the scheduling of a triage.

Claimant contends that she met her participation requirements but offered no documentary evidence supporting her position. DHS submitted time sheets verifying Claimant's absences from JET participation. The time sheets verified that Claimant was absent 21 hours in 1/2010. DHS followed all necessary procedures in scheduling Claimant's triage and subsequently terminating Claimant's FIP benefits. It is found that DHS properly terminated Claimant's FIP benefits due to noncompliance with JET participation.

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 found Claimant noncompliant with JET participation and properly terminated Claimant's FIP benefits.

Christian Gardocki

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

Date Signed: 6/11/2010

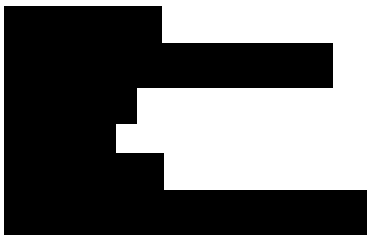
Date Mailed: 6/11/2010

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 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 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/jlg

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.